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*This amount, \$50,000, shall not be expended if the appraised value of the raw land does not equal at least this amount.

Amend section 1 of the bill by striking out the total line of paragraph VIII and inserting in place thereof the following:

Total paragraph VIII

902,722

The legislative budget assistant is authorized to correct any totals including the total of bonds authorized to reflect the effect of the amendment.

Sen. ROCK: Although the hour is late and the sky is dark I have sat here most of the day looking out the window from the corner and from my seat in the senate I have an excellent view of the Eagle hotel. I have sat here today thinking of the things that I have done in my life that I have wanted to do over again and never had the chance because once having had the opportunity and rejecting it, we know it is lost forever. I still have grave and severe reservations about the net worth of the Eagle hotel. The words of Senator Downing however have been preying on my mind as I look at the building here and the bank building and I think that I would not want to be the one that caused us to someday look across the street and say but there for the Rock vote went the opportunity to have that building. I am going to move with the chair's permission to amend the capital budget to allow for a very strong message to go to the committee of conference on the capital budget and the strong message is that there is grave doubt in my mind that the Eagle hotel is worth \$275,000. I am not sure that it is worth 275,000 cents but I am putting in this amendment a minimal purchase price and I am recommending a footnote and if you let me I would like to explain the footnote because I think the real value of that building may be in the land that it sits on more than the building that occupies the land. I have not gone through the building but I have been through many old buildings as chairman of the property committee for

the University and I have looked at the costs of renovation. I think there is some very specialized equipment, Mr. President, and members of the Senate that we could bring to Concord and do an excellent job of in that hotel. It consists of a very large Crane and a large steel ball and you swing the ball into the brick wall and you knock the building down. It is called get rid of a disaster and what I am saying in the amendment is that if they appraised value of the land doesn't equal at least the \$50,000, then we really shouldn't be moving ahead. Now I know this doesn't amount to any more than the paper it is written on and in all candor I have to say that Senator Trowbridge did tell me earlier today that if the matter of the Eagle hotel came up in the capital budget committee of conference with or without this amendment he would be willing to look at it. But what I am doing with this amendment is sending a message that at least this one Senator and I hope some other Senators don't want to see us go off half cocked and buy the Eagle hotel for a third time. We have already bought it twice. My amendment \$50,000 for the committee of conference to consider in the purchase of the Eagle hotel.

Sen. TROWBRIDGE: I think one of the things that you have to do in this world is where certain things get to be to a certain point, it is unreasonable not to consider anything and I am certainly hopefully, never unreasonable so at this point where you scaled it down to \$50,000 which has got to be somehow equivalent to the land I think that we should consider this and put it in. I only hope that in doing this we will be striking the capital budget committee of conference committee. That we are not saying here is \$50,000 and now go to \$150,000 what we are saying is stick to the land value period and that is all. I hope that that is the message that Senator Rock and I are giving in accepting the amendment.

Amendment adopted. Ordered to third reading.

Sen. Sanborn moved that HB 502 be taken from the table.

Adopted.

HB 502, making an appropriation for construction of a facility for the criminally insane on the grounds of the New Hampshire hospital.

Question of the committee amendment.

Sen. Lamontagne moved the previous question.

Adopted.

Amendment to HB 502

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the insanity defense in criminal cases and the disposition of persons not dangerous to go at large.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Insanity Defense. Amend RSA 628 as inserted by 1971, 518:1 by striking out same and inserting in place thereof the following:

628:2 Insanity.

I. A person is not criminally responsible for his conduct if at the time he acts, as a result of mental disease or defect, he either lacked substantial capacity to conform his conduct to the requirements of the law, or lacked substantial capacity to appreciate the wrongfulness of his conduct.

II. As used in this section, "mental disease or defect" means any abnormal condition of the mind which substantially affects mental or emotional processes and substantially impairs the processes and capacity of a person to control his actions. An abnormality manifested only by repeated criminal conduct or excessive use of alcohol, drugs or similar substances, in and of itself, does not constitute a "mental disease or defect".

III. Insanity shall be an affirmative defense and the defendant shall have the burden of proving, by a preponderance of the evidence, that he lacks criminal responsibility as described in paragraph I.

IV. Evidence of insanity is not admissible unless the defendant within 10 days after entering his plea of not guilty or at such later time as the court may for good cause permit, notifies the court and the state of his purpose to rely on such defense.

2 Disposition of Nondangerous Persons. Amend RSA 651 by inserting after section 9-a the following new section:

651:9-b Persons Not Dangerous to Go At Large. In either of the cases aforesaid the court, if it is of the opinion that the person is in need of continued treatment, medication or therapy and that it will not be dangerous that such person should go at large, may order such person to commence or continue such treatment, medication or therapy as it deems necessary for the welfare of the person or others. Such orders will be carried out under the supervision of the department of probation and shall be valid for 2 years unless earlier revoked by the court.

3 Effective Date. This act shall take effect 60 days after its passage.

Sen. SANBORN: The principal thing that I have to say now after I explained the bill yesterday once, is that we have passed a capital budget that recognizes that HB 502 in some form is going to pass requiring that the people that are assigned to a forensic unit are actually people that are required to go to that forensic unit because they actually are criminally insane not because they are trying to do a plea bargaining with a judge somewhere in the state of New Hampshire. That is what most of our so-called forensic unit people are. They are plea bargaining because they feel they will get a much easier deal being sent to a forensic unit where they will be let out within two years than standing trial for a murder which they actually committed while they were safe.

Sen. BRADLEY: Senator Sanborn did you as I did, get an ad out today from the people at the forensic unit?

Sen. SANBORN: I did.

Sen. BRADLEY: Did you read in there, one of the things that they say in their fact sheet is that the New Hampshire insanity doctor first formulated in 1840's has

more than any other in the nation stood the test of time?

Sen. SANBORN: That is their idea, I have heard that same idea espoused by several different people however some of our judges here in the state of New Hampshire and Dr. Miller is now the head of the division on mental health disagree.

Sen. BRADLEY: Did you also read further on that they say even if your people were found not guilty by reason of insanity in New Hampshire it does not follow that the population of the forensic unit would be reduced?

Sen. SANBORN: I do not agree with that.

Sen. BRADLEY: And further on they say that the impression that the day to life commitment, that is the insanity commitment leads to rapid return to the community is erroneous, do you agree with that?

Sen. SANBORN: Not necessarily.

Sen. HANCOCK: Just to refresh my memory, is it true that a study of the forensic unit need was commissioned by the office space study committee at the last session?

Sen. SANBORN: That is correct.

Sen. HANCOCK: And that study, the result of that study recommended a separate installation?

Sen. SANBORN: Senator Hancock they only studied the needs of the forensic unit in the State of New Hampshire in the light of the existing laws to those people that would be committed criminally insane, not under the ideas that are set forth by Dr. Miller and Judge Douglas in the amendment to 502.

Sen. HANCOCK: Was the basis of the change from the \$7 million dollar unit to the \$1 million dollar unit based on the recommendations of Dr. Miller?

Sen. SANBORN: Dr. Miller and Judge Douglas.

Sen. HANCOCK: Did Superintendent Wheelock concur in all the decisions to your knowledge?

Sen. SANBORN: I think that Superintendent Wheelock right now is on the more or less, horns of a dilemma, he has one boss that wants to go one way and another boss that wants to go another way. It has gone to who has talked with him last.

Sen. HANCOCK: It seemed to me at the hearing which

I attended and which the plans were unveiled that Superintendent Wheelock was in favor of the unit as proposed by the study committee.

Sen. SANBORN: Course he was, a nice new building, I would be if I were superintendent up there, I would want a new building.

Sen. HANCOCK: The decision of the capital budget to go to the Brown building is based on psychiatric information?

Sen. SANBORN: That's right.

Sen. BRADLEY: Senator Sanborn the only thing that I am sure this amendment does is to reverse the burden or proof. Now there are a number of things, that is one section roman numeral 3, but there are several other sections in here and I would like to add because I frankly don't know, how does the section to roman numeral 1 and 2 change the present law as to the definition of insanity.

Sen. SANBORN: Not having the section right here in hand I couldn't section 1 doesn't make too much of a change except as a definition.

Sen. BRADLEY: That is what I am concerned with and I would think that the Senate ought to know, how are we changing the definition that we have been using of insanity as a defense for the last 130 years?

Sen. SANBORN: That is in section 2 of the bill.

Sen. SANBORN: Right. It is there, I am aware that it is probably changing it but I don't know and I have not have the opportunity to be briefed as to what this is changing. How are we changing the rules of the ballgame here.

Sen. SANBORN: For instance I think if you take a look here at roman numeral 4, section 1. Evidence of insanity is not admissible unless the defendant within 10 days after entering his plea of not guilty or at such later time as the court may for good cause permit, notifies the court and the state of his purpose to rely on such defense.

Sen. BRADLEY: Right now that is a procedural change too I guess but I would like to know later on how that is changing the present law but I would like to know how

sections 1 and 2 affect our existing law on this subject of insanity and don't you think that we ought to know before we do it.

Sen. SANBORN: I would say that it was in the area of the definitions.

Sen. BRADLEY: I know it is and that is what I am trying to get at.

Sen. SANBORN: Not being a lawyer I cannot answer that part of it. However Justice Douglas is the one that wrote those two sections and knows what he is talking about.

Sen. BRADLEY: There is no doubt in my mind that Justice Douglas knows what he was talking about when he wrote that but what I would like to know, and it seems to me the Senate ought to know, is how Justice Douglas' definition is changing in a practical way, a way in which a layman can understand it, how is he changing this law relating to insanity.

Sen. SANBORN: I would suggest that you compare the present law with this one.

Sen. BRADLEY: I would have liked to have had the opportunity to do that but I haven't. I would think Senator, that before you propose an amendment like this that you would be able to tell us how it is changing the present law.

Sen. SANBORN: Senator you laid the bill on the table yesterday morning and with your keen sense of the law you have shown here, I had assumed that probably for the last day and a half that that was what you had been studying.

Sen. BRADLEY: No Senator, I didn't have the opportunity, in fact I think Senator Monier was going to get me a brief on it but I am not sure that I would even have had time to read it if he had gotten it to me but I have not seen anything more on this and I frankly don't know how this is changing the law. If Justice Douglas were here perhaps he could explain it to us but it seems to me, don't you agree, that it is a little bit unusual to pass a significant change in the law like this that has been on the books for 130 years without really understanding how we are changing the law?

Sen. SANBORN: I would defer to Senator Monier with his brief.

Sen. MONIER: I can't answer your question Senator Bradley but I can answer you in general. Not being a lawyer, as an equal as a Senator, that ought to be enough. The true response as to what we had done with this particular amendment is in paragraph 3 and you refer to 1 and 2. One and two as I understand it with minor changes, really defines mental illness almost as it is now. There is I think however exception to it as I understood it. And that is the abnormality manifested by repeated criminal conduct or excessive use of alcohol is in itself does not constitute a mental disease or defect and I think if you went back to the original matter of the 1800's that insanity was based upon you would find that he used the word dipsomania which at that time was the excessive use of alcohol. In three it says sanity shall be an affirmative defense and that the defendant shall have the burden of proving by a preponderance of the evidence that he lacks criminal responsibility as described in paragraph one. Today that is not in the law. That is the key factor, that today most of the people who are committed to the State Hospital under our very lenient and very ancient, and you are correct, ancient, not necessarily because they stood the test of time but because nobody has yet corrected them. The effect of half of them are there under the basis of repetition of specific kinds of things without any test of law in court as to whether they are insane or not and the burden of the proof lies, not on the defendant to show that he is insane at the time of the criminal charge that he has been brought against, but rather is on the state to prove that he does not remain insane in the sense that he remains dangerous so that as a result of it you have no test of law in court where the defendant himself must through a preponderance of evidence convince a jury, a judge and the courts that he is in sane before he is excused for the criminal judges being brought before the court and is committed to the insane asylum or to the hospital for criminally insane. That is the key factor. The fact that we are not necessarily changing what is

insanity, is not the key factor to this amendment. The key factor is that you are changing that the defendant must prove he is insane before he is allowed to be admitted as a criminally insane person and made innocent for the crime for which he is charged.

Sen. BRADLEY: Senator I understand that section 3 changes the burden of proof. Sections 1 and 2 are pretty tough sledding, if you are a layman. And if you are not changing the law of insanity why are they there?

Sen. MONIER: That is not necessarily that they are changing the law of insanity, they are defining them and I don't think the definition is that much different from what is now acceptable. The difference is not the definition, it is a procedure by which you fall within the definition.

Sen. BRADLEY: Not knowing the answer to that one, let me go to section four. How is section 4 changing the existing law?

Sen. MONIER: I do not know that it does change existing law. What it does do however, it says that it is not admissible as insanity unless the defendant within ten days after entering his plea of not guilty or at such later time as the court may for good cause permit, notifies the court and the state of his purpose to rely upon such defense. At the present time he does not have to do that. It may well be because of the fact of what roman numeral 3 says. Because now he is charged with making the evidence that he is insane before he is led by a court to be allowed to plea that way and found that way.

Sen. BRADLEY: How sure are you that he isn't required to give some notification now under the law?

Sen. MONIER: I am not sure of that at all. However, would it make any difference, since all you are taking about is changing the procedures.

Sen. BRADLEY: Well that is what I am trying to get at. What difference does this make. Section 2 of the bill, how is that changing the existing law?

Sen. MONIER: I cannot answer that because I do not have the law in front of me. I am sure that it changes it

in some way to amend it so it would be allowed that paragraph 3, which you yourself and I both admit, is the fundamental change can be put into effect. I really, rather than continue I would not ask a question of you because you are asking it of me but I don't think that those kinds of changes are what we are dealing with. What we are dealing with is that you no longer can be taken into court, put into court, found innocent of a criminal charge and sent to the state hospital in a forensic unit under this amendment without you pleading in court that you are and were insane at the time of the crime. That is the key factor. And I assume that the other ones are measured to that particular factor. That is what we ought to be arguing about.

Amendment adopted.

Sen. Bradley moved that HB 502 be referred to the Judicial Council.

Sen. BRADLEY: Mr. President, there may well be as I said yesterday, some good stuff in here. Justice Douglas may well have a well-thought out concept but this is simply not the way to deal with this kind of very basic pervasive part of our law. As you have seen and I don't know who was responsible for this fact sheet here, but as you can see at least some people who are involved in the system disagree with this idea. I am sure there are different people who have different points of view on this. Now Justice Douglas is either on the judicial council or is very much tied in with it and has spoken on behalf of the judicial council before our committee and others this session and I think that cannot be all this much of a crisis that this bill couldn't go through a more regular procedure and get the kind of input and study that it ought to have and maybe it is justified but it seems to me the way to do this is to give it to the judicial council, it is exactly the kind of thing that they are equipped to deal with and to give it the kind of study and review that it may need and get it back here for the special session that I assume we are going to have. I can't believe that we are going to

have that much of a crisis in the forensic unit over the next six or eight months that it would take us to get this bill back and forth.

Sen. SANBORN: In 1973 session when I was here the first time I believed some of the things that our lawyer colleagues told us, we will send this to the judicial council and we will guarantee that it will be back the next session and everything will be straightened out. I think I had about three bills and that is the last I ever saw of it. I feel that this is another attempt to kill this bill.

Sen. Bradley requested a roll call. Seconded by Sen. Bossie.

The following Senators voted yea: Smith, Bradley, Trowbridge, Keeney, Hancock, Bossie, Fennelly, Preston.

The following Senators voted nay: Lamontagne, Poulsen, Gardner, Bergeron, Saggiotes, Monier, Blaisdell, Rock, McLaughlin, Healy, Sanborn, Provost, Brown, Downing.

8 yeas 14 nays

Motion failed.

Ordered to third reading.

Sen. Lamontagne moved that HB 1084 be taken from the table.

Sen. LAMONTAGNE: Mr. President, members of the senate, as you know HB 1084 was put on the table because there was a question about motorcycle noise and motor truck noise. The transportation committee had HB 430 and on HB 430 there was an amendment that had been included to have the motorcycles temporary plates changing the word five to twenty making it twenty days. Somehow when HB 430 got to the secretary of state, the amendment was not included into the bill. So

therefore Fred Clarke has asked me if I would find a bill to put this amendment to. And the only bill that I could see that would be feasible to put this amendment to was to this bill that is in reference to the level of noise for motorcycles and motor vehicles. This bill has been checked and one reason why this bill was put on the table was because it was a feeling that possibly some of these old trucks would not be able to meet the standard of the tests. Under the federal law, and this is before January 1, 1977, this motorcycles and trucks has been exempt by the federal law. Now when it goes after January 1 of 1977 these levels must be met by trucks regardless of age. So therefore the only thing that the amendment does as I said, the word five days for the temporary plates for motorcycles would be changed to twenty days. That is all the amendment does.

Sen. ROCK: Senator Bossie, you are a licensed motorcycle operator, have you read the provisions of 1084 not considering the amendment that is now laid on the table and do you understand what it would do to motorcycle operators in the State of New Hampshire?

Sen. BOSSIE: Frankly I have no idea and I am listening very attentively. I am not a registered motorcycle operator. I have only rode on one three times in my life.

Sen. ROCK: Senator Monier, as a motorcycle operator, are you aware of the provisions of 1084 that was laid on the table, do you know what it does to motorcycles?

Sen. MONIER: Sometimes but I would rather have you elicit them for me.

Sen. HEALY: This bill was submitted to the House and passed the House it was submitted by a young motorcycle rider, a college man and a man that worked on motorcycles and the intent of the bill is very good. It reduces the noise levels of motorcycles number one. Number two it is in no way associated with Hell's Drivers and those other organizations. It is for the other drivers who want to keep their motorcycles and he wants to keep a good perspective in the community. These boys participate in these trail rides and they are finding it dif-

ficult now for their enduro runs to get permission to go onto land because of the loud noise that some of the motorcycles have been making. Now this bill here, as presented, indicates that it meets with the federal levels of noise making. Actually, there is quite a bit to say about it and there is a magazine here called a trail rider with three different stories in it and all of the stories are favorable to the new motorcycle controls especially in the way of noise makers. I strongly endorse the bill.

Adopted.

HB 1084, regulating motor vehicle and motorcycle sound emission levels.

Sen. Lamontagne moved an amendment to HB 1084.

Amendment failed.

Sen. Rock moved that HB 1084 be indefinitely postponed.

Adopted.

Sen. Poulsen moved reconsideration on HB 316.

Adopted.

Sen. Poulsen moved that HB 316 be placed on second reading at the present time.

Adopted.

HB 316, relative to the exemption period for subdivision plat approval.

Sen. Poulsen moved an amendment to HB 316.

Floor Amendment to HB 316

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the exemption period for subdivision plat approval and requiring that any person submitting an application and plans for construction approval by the water

supply and pollution control commission certify that he has met all local pertinent requirements.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Local Requirements Complied With. Amend RSA 149-E:3 by inserting after paragraph III the following new paragraph:

III-a. Any person submitting an application and plans for construction approval shall also certify in writing that he has complied with all local government requirements as relate to water supply and sewage disposal which must be complied with prior to application to the water supply and pollution control commission in those municipalities where regulations require prior local approval; and, at the same time, a copy of the certification shall be sent to the board of selectmen of the town or the city council of the city.

3 Effective Date. This act shall take effect 60 days after its passage.

Sen. POULSEN: This bill requires that in those towns where approval is necessary that it be gotten from the town before the application to the state. It is just exactly the opposite of the town of Littleton where we want state approval first and the selectmen don't have to bother. In this case we do want to bother.

Amendment adopted. Ordered to third reading.

Sen. Monier moved to take HB 1104 from the table.
Adopted.

HB 1104, changing the penalty for failure to file user of fuel reports with the road toll section.

Sen. MONIER: If you remember Mr. President at your request, I moved that we recall this from the Governor's office to make a technical correction. Careful analysis has

found that it wasn't a technical correction, the sponsor wished it that way and therefore I do not propose to make an amendment to change it. So I think, and I have discussed it with you that the only thing to do is pass it and sent it back to the Governor again. I suggest we do that. It is a bill that we called in and I made the request, changing the penalty for failure to file user or fuel reports with the road toll section. And the memoranda that came with it was I believe that the intent was to give the director the authority to abate the penalty not the toll. When I asked for the amendment to be made I asked that they also research the legislative intent and so forth and so on. It came back that the intent of the sponsors was that he be allowed to abate the toll and I don't feel therefore that I should recommend an amendment be made. The only action to be taken at that point, then is to repass it and send it back again.

Adopted. Ordered to third reading.

Sen. Hancock moved that HB 1016 be taken from the table.

Adopted.

HB 1016, establishing procedures for the periodic termination, review, and renewal of state agencies and programs.

Sen. HANCOCK: Mr. President there are two amendments which the clerk has. This bill has had a great deal of study by many people. The House committees have studied it thoroughly, there has been a great deal of consultation with the Governor's office with the Common Cause organization and I think it would be well for us to reconsider our action, pass the bill and send it to a committee of conference and let it take its course. The sunset bill establishes a sunset law for the state of New Hampshire and it creates a joint legislative committee on review of agencies and programs to oversee the sunset process and conduct an on-going review of legislative oversight procedures in general.

Sen. TROWBRIDGE: From a financial point of view I think almost every other state in this nation has now passed some sort of sunset law. All it does is to have a means whereby you will make periodic reviews just as we did in senate finance of certain agencies. There is no question that we found in our going through the budget this time even though I have been through that budget for years, we found four or five areas where we felt there was no longer any justification for the certain appropriation unit. We did that unfortunately and Howard Townsend is mad and all that but we had to do it on a pick-up basis. We did it on a basis saying here it is, we have to make a decision now and we made the decision. It may not have been the greatest decision. It certainly came out of the blue. If you had a bill like 1016 you would be periodically with a whole group of people who are not in the process necessarily, like myself, going through and taking each program appropriation and saying here is this thing still necessary. And I really think if we are going to be in step with the rest of the country we want to have on the books the sunset review law. I hope that you would not send this to study that you would knock that down, pass the bill, it's first ramifications will not show up for two years anyhow and in essence it is a study bill by itself so there is not much point saying sending a study bill to study. I really think we ought to pass this.

Sen. MONIER: Mr. President I rise in support of the motion and move it off the table and the amendment. The reason that you have this in front of you at this particular time is the fact the committee got about four amendments which are not consolidated on the last day of our hearing in which I think there were five very irate people about it including Senator Hancock, Senator Preston, myself and the rest of us. So at that point we decided to keep it in interim study, when we brought it out we recognized the importance of it and it has always been recommended important. As a matter of fact we sponsored a bill of such when I found there was one in the House I withdrew it way back in the early part of the session. There is no-

thing wrong with this bill. I have checked the amendments through, I guess perhaps because of my, Monier's law, if anything can go wrong it most likely will and therefore be prepared for it. I find nothing wrong with it therefore I do support it and I hope you do pass it. I think we are in long-time need of such things as this. Hopefully such process can weed out departments which we no longer need and then maybe we will have less problem with raising the revenue.

Question of interim study.

Sen. Bossie moved the previous question.

Adopted.

Motion failed.

Sen. Hancock moved an amendment to HB 1016.

Floor Amendment to HB 1016

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapters. Amend RSA by inserting after chapter 17-E the following new chapters:

CHAPTER 17-F

Joint Legislative Committee on Review of Agencies and Programs

17-F:1 Committee Established. There is hereby established a joint legislative committee on review of agencies and programs.

17-F:2 Membership. The committee shall consist of 10 members, 5 of whom shall be representatives, 3 appointed by the speaker of the house and 2 appointed by the house minority leader, and 5 of whom shall be senators, 3 appointed by the president of the senate, and 2 appointed by the senate minority leader. Members shall be appointed for their term of office, provided that all members shall be eligible for reappointment so long as they are qualified under the provisions of this section. Members shall be appointed no later than December 30 of the year

of their election to the general court, except that vacancies shall be filled for the unexpired term within 30 days of the creation of said vacancy, and the initial appointments under this act shall be made within 30 days of the effective date of this act. The members shall choose from their number a chairman, provided that the chairmanship shall rotate biennially between the House and Senate members.

17-F:3 Meetings and Compensation. The committee shall meet on a regular stated date monthly and at such other times as the chair may call. The members shall not be compensated but shall receive legislative mileage for their attendance at committee meetings.

17-F:4 Duties. It shall be the duty of the committee to oversee the process of review of state agencies and programs as provided in RSA 17-G. The committee shall annually review the list of agencies and programs exempted from the sunset process by RSA 17-G:3-a, and shall recommend to the legislature any amendment to said section the committee deems necessary. In addition the committee shall conduct an ongoing review of legislative oversight procedures and make periodic reports of suggestions and recommendations in this regard to the speaker of the house and the president of the senate.

17-F:5 Committee Sunset. The committee itself shall terminate on July 1, 1987 and shall be subject to review by the appropriate standing legislative committee, as provided in RSA 17-G. This review shall, however, in no way preclude the ongoing review, by the committee, of the sunset process between the effective date of this chapter and July 1, 1987.

CHAPTER 17-G

Legislative Review of State Agencies and Programs.

17-G:1 Popular Name. This chapter may be referred to as the "New Hampshire Sunset Act."

17-G:2 Definitions. As used in this chapter:

I. "Calendar day" means every day of the week including Sunday.

II. Budget numbers and agency names are those set forth in Appendix A of the 1977-1978 Budget Manual is-

sued by the office of budget and control, department of administration and control.

17-G:3 Review Dates Established. The first review date for an agency or program is the termination date set forth under RSA 17-G:5 and each subsequent review date for an agency or program is the date 6 years following the preceeding review date, except for those agencies or programs designated in RSA 17-G:4.

17-G:4 Exemptions. The provisions of this chapter shall not apply to the following state agencies and programs:

I. Offices or agencies required by provisions of the New Hampshire Constitution;

II. The Laconia state school and training center, the New Hampshire hospital, the New Hampshire home for the elderly, the state prison, the state library, the veteran's home and the youth development center;

III. The New Hampshire state retirement system.

17-G:5 Regular Termination Schedule. Except as provided in RSA 17-G:4, the regular termination schedule shall be as follows:

I. All agencies and programs under budget numbers 06 education and 04 transportation shall terminate as of July 1, 1979.

II. All agencies and programs under budget numbers 02 administration of justice and public protection and 03 resource protection and development shall terminate as of July 1, 1981.

III. All agencies and programs under budget numbers 01 general government and 05 health and social services shall terminate as of July 1, 1983.

17-G:6 Committee Jurisdiction for Review. On or before July 1, 1978, the joint legislative committee on review of agencies and programs, as established by RSA 17-F, shall submit to the house and senate, for each program appropriation unit to be reviewed under RSA 17-G:5, a report setting forth the committee of each house which has legislative jurisdiction over that unit.

17-G:7 Phasing Out of Agency. Any agency which is not renewed in accordance with RSA 17-G:8 prior to the deadlines established by RSA 17-G:5, shall continue in ex-

istence for 9 months following that deadline for the purpose of winding up its affairs. During this period the powers or authority of such agency shall not be limited or reduced. During this period appropriations for such agency shall not exceed the amount appropriated for the final 9 months of the preceeding fiscal year. Upon expiration of this 9 month period, said agency shall cease all activities.

17-G:8 Renewal Procedure.

I. The review and evaluation outlined under this section shall have the following objectives:

- (a) the elimination of inactive entities;
- (b) the elimination of entities which duplicate other entities or other governmental programs and activities, or an appropriate consolidation of them;
- (c) the elimination of inefficient, unnecessary or ineffective activities.

II. Not later than the third legislative day of each regular day of each regular biennial legislative session, the legislative budget assistant shall submit to the relevant committees of the house and senate, as determined by RSA 17-G:6, a report for each program appropriation unit scheduled for review during that year. In preparing said report the legislative budget assistant shall work in consultation with the relevant house and senate committees. Said report shall include but not be limited to the following:

- (a) the law or laws under which such program or agency was created and carries on its activities;
- (b) the amount of appropriation for such program or agency for each of the past 6 fiscal years;
- (c) an identification of other entities or programs of state government having the same or similar objectives along with a comparison of the cost and effectiveness of such entities or programs, and any duplication of the entity under review;
- (d) an examination of the extent to which the objectives of the entity under review have been achieved when compared to the objectives initially set forth for the entity under review and an analysis of any significant variance

between projected and actual performance, and

(e) the objectives of the program or agency during the next 6 fiscal years, as required by RSA 9:4.

III. Upon receipt of the legislative budget assistant's report, the standing committee of the house to which it was referred shall hold a public hearing no later than the twelfth legislative day, at which the agency shall have the burden of demonstrating a public need for its continued existence. Not later than 14 calendar days after said hearing the committee shall report to the house its recommendations as to the agency. Such report shall include an identification of other government programs having the same or similar objectives, and the recommendation of the committee with respect to the elimination or consolidation of such programs. Whenever a committee identifies such duplication of programs but recommends renewal of the agency under review, the report shall state specifically the justification for such action. If the committee recommends renewal of the agency it shall do so in the form of a bill which shall extend the life of the agency for 6 years, commencing with the next termination date.

IV. After house action on any bill resulting from the committee report outlined in paragraph III of this section, the respective senate committee shall consider the reports of the legislative budget assistant and the house committee, and shall hold a public hearing not later than the thirtieth legislative day. Said committee shall report its recommendations as to the agency not later than 14 calendar days after the public hearing. The report of the senate committee shall meet the same guidelines as set forth for the report of the house committee in paragraph III of this section. If the house has passed a bill renewing the agency, the senate committee shall report that bill to the full senate together with its report, whether or not the senate committee recommends renewal of the agency.

V. If one house refuses to pass a bill renewing the agency by the fortieth legislative day, a committee of conference shall be appointed in accordance with house, senate, and joint rules. Said committee shall report its recommendations to both houses not later than 5 legislative

days after its formation. If both houses refuse to pass a bill renewing an agency, or if a committee of conference report recommending renewal is not adopted by both houses by the termination date set forth in RSA 17-G:5 the agency shall be terminated and shall conduct its operations in accordance with RSA 17-G:7 of this act.

VI. No bill shall renew more than one program appropriation unit identified for review under the provisions of RSA 17-G:5. All committees of both houses are required to report all bills renewing agencies to the full house or senate. No bill, resolution, or amendment thereto, renewing or extending any agency, program, or unit, shall be considered in either house until after the standing committee overseeing said agency has submitted the report, required by paragraphs III and IV of this section, to that house.

17-G:9 Rights of Citizens and Employees. This chapter shall not cause the dismissal of any claim or right of a citizen against any agency or any claim or right of an agency terminated pursuant to this chapter which is subject to litigation. Said claims and rights shall be assumed by the attorney general. Nothing in this chapter shall interfere with the general court otherwise considering legislation on any agency, program, unit, or similar body. All officers and employees of any program or agency terminated in accordance with this chapter shall be accorded first preference for any available jobs in the state service for which they qualify.

2 Agency Objectives. Amend RSA 9:4 as amended by striking out said section and inserting in place thereof the following:

9:4 Request for Appropriations and Statement of Objectives. On or before October first prior to each biennial legislative session, all departments of the state shall transmit to the comptroller, on blanks to be furnished by him, estimates of their expenditure requirements for each fiscal year of the ensuing biennium for administration, operation and maintenance. In addition, all departments of the state which shall be subject to legislative review under RSA 17-G during the next regular legislative session

shall submit a detailed statement of their program goals and objectives during the next 6 fiscal years. In case of the failure of any department to submit such estimates or statements within the time above specified, the comptroller shall cause to be prepared such estimates or statements for such department as in his opinion are reasonable and proper.

3 Legislative Budget Assistant; Duties. Amend RSA 14:31, III as amended by striking out said paragraph and inserting in place thereof the following:

III. RESEARCH, INVESTIGATION, AND ANALYSES. The legislative budget assistant shall conduct such investigations, analyses, or reserach into the financial activities and condition or the financial management procedures, or any specific area thereof, of any department, board, institution, commission, or agency, for the information of the legislature, as the fiscal committee shall specifically direct, or as the legislative budget assistant shall deem necessary in order to meet the reporting requirements of RSA 17-G. In making any such investigation, analysis or research, the legislative budget assistant shall have the power to examine whatever accounts or records of, or property or things of value held by, said department, board, institution, commission, or agency the fiscal committee or, in the case of meeting the reporting requirements of RSA 17-G, the legislative budget assistant, shall deem useful to said investigation, analysis, or research.

4 Study Authorized. The joint legislative committee on review of agencies and programs, established under section one of this act, is hereby authorized to undertake a study of the feasibility of applying zero-based budgeting concepts to the state budgetary process. The committee shall submit a report, detailing its findings and recommendations, to the speaker of the house and the president of the senate not later than January 31, 1978.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Sen. Hancock moved a further amendment to HB 1016.

Sen. HANCOCK: There are two amendments Mr. President. The more full one we would like to discuss first. I will ask you to recognize Senator Monier for the correction of an error.

Sen. MONIER: We are talking about the stable amendment not the single page one. Go down to the second paragraph, it says the committee shall consist of 9 members, five of whom shall be representatives three appointed by the speaker of the house and two appointed by the house minority leader and four of whom shall be senators, two of whom shall be appointed by the president of the senate and two by the senate minority leader. The agreement was that there would be an equal amount. It is perfectly all right for us as I understand it, to make single changes. The committee shall consist of ten members not 9. Five of whom shall be representatives, three appointed by the speaker of the house, two appointed by the house minority leader and five of whom shall be senators, three appointed by the president of the senate and two by the senate minority leader. Those should be made as corrections on it in order for us to work on the amendment.

Sen. HANCOCK: I think everyone has the second amendment which speaks to the termination schedule. Which says, except as provided, all state agencies and programs shall be terminated no later than July 1, 1985. No later than January 1, 1978 joint legislative committee on review of agencies and programs shall submit legislation to establish a termination schedule for all agencies and programs leading up to said deadlines. Said legislation shall utilize budget numbers and agency names as defined under this chapter. I move its adoption.

Sen. Preston moved the previous question.
Adopted.

Floor Amendment to HB 1016

Amend RSA 17-G:5, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

17-G:5 Termination Schedule. Except as provided in RSA 17-G:4, all state agencies and programs shall be terminated no later than July 1, 1985. No later than January 1, 1978, the joint legislative committee on review of agencies and programs shall submit legislation establishing a termination schedule for all agencies and programs leading up to said deadline. Said legislation shall utilize budget numbers and agency names as defined under this chapter.

Amendment adopted. Ordered to third reading.

Sen. Poulsen moved that HB 1155 be taken from the table. Adopted.

HB 1155, relative to the conveyance of property acquired by a town or city at a tax sale.

Question of the committee amendment.

Amendment to HB 1155

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Conveyance of Property Acquired by Town or City at Tax Sale. Amend RSA 80:42 by striking out said section and inserting in place thereof the following:

80:42 Transfer of Tax Lien; Sale of Property Taken in Default of Redemption.

I. No transfer of any tax lien upon real estate acquired by a town or city at a tax collector's sale for non-payment of taxes thereon shall be made to any person by the municipality during the 2 year period allowed for redemption, nor shall title to any real estate taken by a

town or city in default of redemption from a tax sale be conveyed to any person unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed, under such conditions as may be specified by the town meeting or city council.

II. If the selectmen or mayor are so authorized to convey such property by deed, either a public auction shall be held, or the property may be sold by advertised sealed bids. The selectmen or mayor shall have the power to establish a minimum amount for which the property is to be sold and the terms and conditions of the sale. However, under no circumstances, shall the amount received by the town or city be less than the total amount due the city or town, plus costs, interest, penalty, and the value of any improvements made to the property while deeded to the town.

III. The selectmen may, by a specific article in the town warrant or the mayor, by ordinance, may be authorized to dispose of a lien or tax deeded property in a manner than otherwise provided in this section, as justice may require.

IV. Such authority to transfer or to sell shall continue in effect for one year from the date of the town meeting or action by the city council unless otherwise provided.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Sen. Poulsen moved a further amendment to HB 1155.

Amendment to HB 1155

Amend RSA 80:42, I and II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. No transfer of any tax lien upon real estate acquired

by a town or city at a tax collector's sale for non-payment of taxes thereon shall be made to any person by the municipality during the 2 year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption from a tax sale be conveyed to any person unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

II. If the selectmen or mayor are so authorized to convey such property by deed, either a public auction shall be held, or the property may be sold by advertised sealed bids. The selectmen or mayor shall have the power to establish a minimum amount for which the property is to be sold and the terms and conditions of the sale.

Sen. POULSEN: Mr. President, the amendment changes the fact that it was questioned when the bill was first presented to the Senate which as if the property had less value than the tax value on it the selectmen would be unable to sell it. This gives them the right to sell it with the last sentence in here. The selectmen shall establish a minimum amount for which the property is to be sold. It eliminates the other language altogether and does give them the right to sell a property that they have taken by tax lien even though the price is less than the taxes are on it. In other words they don't become stuck with the property. I think it solves the problem that there was in the bill.

Amendment adopted. Ordered to third reading.

Sen. Bradley moved that HB 1134 be taken from the table. Adopted.

HB 1134, making the person chargeable by law for a child's support and necessities primarily liable for the expenses of a neglected or delinquent child or person in need of supervision.

Sen. Bradley moved an amendment to HB 1134.

Amendment to HB 1134

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Liability for Custodial Expenses. Amend RSA 169:7 (supp) as amended by striking out said section and inserting in place thereof the following:

169:7 Custody. Pending final disposition of the case:

I. A neglected child may be retained in the custody of the person having the child in charge, or in the custody of the director of the division of welfare, department of health and welfare, or may be kept in some suitable place other than the youth development center as may be ordered by the court with expenses charged according to the provisions of RSA 169:31-b. In any case involving a neglected child, a final disposition pursuant to RSA 169:10 shall be made by the court within 90 days after the date of the initial hearing.

II. A person in need of supervision may be retained in the custody of the person having the child in charge, or may be placed in the following shelter care or detention care facilities if such facility is not one in which children alleged or adjudicated to be delinquent may be detained or committed under this chapter:

(a) A licensed foster home or a home otherwise authorized by law to provide such care;

(b) A home expressly approved by the court for this purpose;

(c) A facility operated by a licensed child welfare agency; or

(d) Any other facility designated by the court as suitable for this purpose, provided that a person in need of supervision shall not be placed in any facility designated by the court under this paragraph which is located at the youth development center for more than 3 days and no person in need of supervision may be placed in such facility after July 1, 1977.

III. A delinquent child may be retained in the custody of the person having the child in charge, or in the cus-

tody of the probation officer, or may be kept in some suitable place as may be ordered by the court with expenses charged according to the provisions of RSA 169:31-b; provided, however, that if the court places such child in the custody of the youth development center, final disposition of his case shall be made within 30 days after such placement.

IV. If custody in any case under this section is awarded to the director of the division of welfare, department of health and welfare, the expense for the maintenance and care of the child shall be borne as prescribed by RSA 169:31-b.

2 Investigation Expenses. Amend RSA 169:9 (supp) as amended by striking out said section and inserting in place thereof the following:

169:9 Hearing. On the return of the summons, notice or other process or as soon thereafter as may be, the court shall proceed to hear the case in an informal manner, but no final disposition shall be made until an investigation and report in writing has been made to the court of the home conditions, school record, and the mental, physical and social history of the child, and the circumstances of the alleged delinquency or neglect. When ordered by the court or deemed necessary by the probation officer making the investigation, or, in the case of a neglected or abused child, the representative of the director of the division of welfare, department of health and welfare, such investigation shall include a physical and mental examination of the child, the expense thereof to be borne as provided in RSA 169:31-b.

3 Expenses of Continued Jurisdiction. Amend RSA 169:10-a (supp) as inserted by 1975, 487:5 by striking out said section and inserting in place thereof the following:

169:10-a Continued Jurisdiction over Neglected Child. The court may, with the consent of the child, retain jurisdiction over any child found to be neglected and who is attending high school until such child completes high school or until his twenty-first birthday, whichever occurs first, and the court is authorized to and shall make such orders consistent with RSA 169:31-b relative to the sup-

port and maintenance of said child during the period after his eighteenth birthday as justice may require.

4 Physical and Mental Treatment Expenses. Amend RSA 169:17-a (supp) as amended by striking out said section and inserting in place thereof the following:

169:17-a Orders for Physical and Mental Treatment. If it is alleged in any complaint, or it appears at any time during the progress of the case, that a person in need of supervision or a neglected or delinquent child is in need of physical treatment, the failure to receive which is a contributing cause of neglect or delinquency, due notice of that fact shall be given as provided in RSA 169:4. If the court, upon hearing, finds that such treatment is reasonably required he shall order it and the expense thereof shall be borne as provided in RSA 169:31-b. Any court finding that a child is delinquent may, before making disposition of the case as provided in RSA 169:14, order such delinquent to be taken for examination to the nearest mental hygiene clinic, having regard to time and place, that is served by or qualified by the director, division of mental health, department of health and welfare. If at the clinic the juvenile delinquent shall not appear to present a case for further mental study and treatment, the clinic shall report to the court that fact and such other findings as may be pertinent, and the court shall dispose of the case as provided in RSA 169:14. If the delinquent child shall appear to present a case for further study and treatment, that fact shall be reported by the said clinic to the court, and if the court finds that fact to be true, upon hearing and after notice as provided in RSA 169:4, it may make an order for such care, treatment or commitment to any public or private institution providing psychiatric treatment, including the New Hampshire hospital, as the welfare of the child and society require, and may thereafter modify the order disposing of the petition as justice may require. The expense of any commitment, care or treatment ordered by the court as provided herein shall be recovered in the same manner as provided for in connection with physical treatment.

5 Commitment. Amend RSA 169:18 (supp) as amended

by striking out said section and inserting in place thereof the following:

169:18 Feeble-minded or Insane Child. If it is alleged in any complaint or appears at any time in the progress of the case that a child may be feeble-minded or insane, due notice of that fact shall be given as provided in RSA 169:4, and if the court, upon hearing, finds that the child is either insane or feeble-minded, the court may commit said child to the New Hampshire hospital or to the Laconia state school, to be detained and cared for.

6 Foster Home Contract Expenses. Amend RSA 621:19-a as inserted by 1967, 174:1 by striking out said section and inserting in place thereof the following:

621:19-a Children in Foster Homes. Notwithstanding the provisions of RSA 621:19, whenever the trustees release any child and contract for his board and care in a foster home which has been approved by department of health and welfare, payment for such board and care shall be borne as provided in RSA 169:31-b.

7 Youth Detention Center. Amend RSA 621:19-b as inserted by 1967, 174:1 by striking out said section and inserting in place thereof the following:

621:19-b Liability. Whenever a minor is committed to the youth development center whoever is chargeable as provided in RSA 169:31-b shall be liable for his care and support at a foster home as provided by RSA 621:19-a.

8 New Section. Amend RSA 169 by inserting after section 31-a the following new section:

169:31-b Liability for Expenses. Whenever an order creating liability for expenses is issued by the court in accordance with RSA 169:7, 169:9, 169:9-a, 169:10-a, 169:13-a, 169:14, 169:17-a, or 169:18 or a child is otherwise placed pursuant to RSA 169, or whenever a child is released in accordance with RSA 621:19-a or 621:19-b, any expenses incurred shall be payable by the person chargeable by law for the child's support and necessities up to an amount determined by the court to be within the person's ability to pay, and such amount shall be stated in the court order. If such person shall be unable or shall refuse to pay expenses in whole or in part, the town in

which the child was resident at the time of his being the subject of a petition in accordance with RSA 169:3 or his being taken into custody shall be liable for such expenses with a right of action over for such expenses against the person chargeable by law for the child's support and necessities. A court may make such order as to reimbursement, to the town of residence as may be reasonable and just, based on the person's ability to pay. If a town cannot collect for such payments made in behalf of a child, such payments shall be considered assistance to a pauper as to the person chargeable by law for the child's support and necessities and such person shall be subject to a loss of settlement in accordance with the provisions of RSA 164-A:5.

9 Repeal. RSA 169:11 relative to maintenance of neglected children and RSA 169:15 relative to maintenance of delinquent children are hereby repealed.

10 Effective Date. This act shall take effect 60 days after its passage.

Sen. BERGERON: So Senator, what you have in effect said, is that we could be imposing an additional burden?

Sen. BRADLEY: I think the actual result is overall on this, is that it is making it clear between the community and the parents. If the parents are responsible in the first instance, if they are financially able and if not the town is responsible for a right of action against the parents if they can get the money out of them.

Sen. BRADLEY: The scheme of things is to say in the first instance the parent or person chargeable for the child's support is responsible. If that person is unable or refuses to pay the expenses the town in which the child is a resident, the town is being subject to the petition shall be liable with a right of action over for such expenses against the person chargeable if they can get it.

Sen. LAMONTAGNE: Senator what happens now that the child is on state welfare along with the mother. Now who pays the bill?

Sen. BRADLEY: If the state, the state is presently responsible. That is not changing this. These kids that come in under 169 and get RSA 169 under the juvenile delinquency law and they are neglected or juvenile delinquents and they are ordered for mental treatment and they are ordered to commitment or ordered for foster homes and so on.

Sen. McLAUGHLIN: Senator wouldn't this be a good bill to give to judicial council?

Sen. BRADLEY: I don't think so Senator. This bill is as I say is in line with several other bills that we passed, we would have taken it up at the same time but this amendment wasn't ready. This is something the welfare department is very anxious to get on the books and I have agreed to do my best. I have no particular personal interest in this but I did agree with the welfare people that I would try to get it out and get it through.

Sen. MONIER: Senator I recognize what you are doing, but I want to make sure that I heard you correctly. I recognize that the first order of collection is the parent or whoever the adult is that is responsible, if they do not pay then it is the municipality, am I correct?

Sen. BRADLEY: Right.

Sen. MONIER: If they do not pay then who does?

Sen. BRADLEY: The town is responsible to pay it. And the town has the right to go after the parent if there is a person chargeable. If they can't come up with anybody. But it is the town where the child is a resident.

Sen. MONIER: Is there any provision in here about if a parent or a guardian or whoever might be responsible for the child that if he does not pay that you may seize his assets or anything like that or do we just automatically mean that the municipality takes it over?

Sen. BRADLEY: The town has an action, a right of action over for such expenses. The town can use any legal remedy available to it to go after their assets if there were any.

Sen. TROWBRIDGE: We had this measure in another form before senate finance and there is no question that Arthur Drake has been working very hard, this is all con-

nected with what we call 4D payments and the whole thrust of the three bills that have gone through this legislature this year are saying that there is now an action against the parent, if the parent doesn't pay Senator Monier on the back page of the amendment, it says that it is considered such payments shall then be considered assistance to a pauper and they shall be subject to a loss of settlement which means that a person loses his rights in the town and all that. It then has clarified that the town is liable for one year and that is 365 days and at that point it goes on the county. If as Senator Lamontagne said that they are already on AFDC then the state is liable. That is not the problem, the problem is people who are not on welfare, the parents are not on welfare, the child is ordered for juvenile care somewhere. The question is who is liable. All this is saying is that the parent is liable first, the town second and then automatically by laws, the county is liable. And that is the way that it goes now. The big difference is that you can go after the parents now which you could not before unless you pass this.

Sen. LAMONTAGNE: Senator talking about the child now, is there any age of the child?

Sen. TROWBRIDGE: Yes, the child is defined in another part of the statute as someone under 18.

Amendment adopted. Ordered to third reading.

Sen. Sanborn spoke under rule No. 44.

Sen. Keeney moved that HB 197 be taken from the table. Adopted.

HB 197, relative to open pit burning in towns of less than 2,500 population.

Question of the committee amendment.

Amendment to HB 197

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Towns of 2,500 or Less Population. Notwithstanding the provisions of RSA 125:83, relating to variances, the air pollution commission is hereby authorized, following a public hearing, to extend the time limits established in its regulations for elimination of burning dumps in towns of less than 2,500 population according to the 1970 federal census, pursuant with the requirements of this act. No such extension granted hereunder shall be in force unless and until it is approved by the U.S. Environmental Protection Agency, pursuant to the requirements of the Clean Air Act. An extension may be granted to a town, or to a group of towns comprising a regional refuse disposal district, where the commission is able to find that, based upon actual monitoring data, or upon acceptable modeling in cases where adequate data does not exist, continued burning for the period encompassed by the extension will not result in a violation of any ambient air quality standard in force in the region, and will not cause a nuisance or continue an existing nuisance. Any extension granted may be conditional, and shall contain a compliance schedule for eventual elimination of open burning in the town or towns with respect to which the extension is granted.

Sen. KEENEY: I thought the amendment had already been adopted before it was put on the table but if it has not. The committee amendment was to add in after the census figures of 2500 in population as of the 1970 census.

Amendment adopted.

Sen. Poulsen moved an amendment to HB 197.

Amendment to HB 197

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT
relative to extending the time limit for burning dumps in
small towns.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Towns of 3,000 or Less Population. Notwithstanding the provisions of RSA 125:83 or the provisions of any other statute, the air pollution commission is hereby authorized and directed to extend the time limits established in its regulations for elimination of burning dumps to July 1, 1979, in towns which have a population of 3,000 or less persons according to the 1970 federal census. Such extensions granted hereunder shall be in force unless or until written recommendations of the air pollution commission detailing specific injury to the public health, welfare or safety and requesting modification or revocation of the extension is directed to the governor and council. The governor and council shall act within a period of 7 days after the date of receipt of such recommendation and its actions shall be based solely upon a finding that an emergency exists requiring immediate action to protect the public health, welfare or safety. Orders issued pursuant to such action shall not exceed minimum requirements necessary to abate any existing emergency which the governor and council may find. Nothing under these provisions shall be construed as an intent to obstruct or violate the principle of home rule. Notwithstanding the provisions of this section, the provisions of RSA 125:84 shall remain in effect.

Sen. POULSEN: This amendment is slightly different than the amendment that Senator Keeney had in that it uses the population figure of 3000 in towns and it changes the procedure so that towns of 3000 and under population can keep burning for another two years but they are subject immediately to the action of the air pollution people who if they find any fault, any complaint, any injury to people or anything, complain to the Governor, the Governor within 7 days has to take action to make him cease and desist. It is an opposite procedure than is in the amendment of the committee wherein the a town be given the opportunity to keep burning, one by one. This gives

them blanket opportunity and they are right under the air pollution people.

Sen. TROWBRIDGE: I am respectfully going to oppose this amendment. Under the other amendment we were given—let's go back a little. If we don't have another amendment or don't do something, the right of the air pollution commission to grant waivers to towns will cease as of June 30th. So we have to do something that is why we are all agreed that something has to happen on 197. That is not the disagreement. The problem is that this amendment which is drafted by Mr. Bike puts it in such a way that the town can go forward and has no compulsion whatsoever to move towards non-burning. It is only at a finding that they somehow are polluting that they will then be stopped. This may backfire Senator Poulsen in that the local environmental groups that walk in, complain, and the shut down process occurs very fast and I think that the thing is badly drafted, it could backfire on your town. In other words, you could be going along, someone complains and there you go, shut down. It doesn't have what I consider to be, the necessary safeguards for the towns much less for the process. The process should go forward that everybody should move towards nonburning but not be compelled to put in land fills because land fills may not be the way of the future. We all know that issue. You do have new federal laws going in different directions, one says no burning and the other one says you may not pollute the water table which would be the landfill. I really think that the other one that the committee put on gives ample authority to the air pollution people to give waivers while people are still making plans to improve the dump. So I think that this one although it looks good on paper it may very well backfire and the town, and I think you ought to watch that one very carefully.

Sen. POULSEN: Senator Trowbridge do you agree that the original amendment made each town go through a rather harrowing process to get permission to continue burning and that this one would give them a little bit easier time?

Sen. TROWBRIDGE: The other amendment says you have to keep coming back and getting permission. This one here says you automatically have permission unless someone comes in detailing specific injury. Well that is the thing that I fear Senator Poulsen, that Mr. Bike has gone too far in trying to say, well we'll just let everything happen. I worry about that, I worry about the towns, I think it can backfire.

Amendment adopted. Ordered to third reading.

Sen. Poulsen moved that HB 365 be taken from the table. Adopted.

HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor.

Question of interim study.

Division vote: 5 Senators voted yea; 12 Senators voted nay.

Motion failed.

Sen. Poulsen moved an amendment to HB 365.

Sen. POULSEN: Mr. President this amendment has to do with the licensure of accountants. It sets up the board of licensing and it changes it so that there are two public members, two CPAs and two PAs on the board. What the bill does is give the accountancy practitioners a status which they are not now able to get because they can't get past the board. The bill has been changed from its original so they have to pass two sections of the examination which is very difficult but they can become licensed as accounting practitioners. We recommend the passage of the amendment.

Sen. ROCK: Senator I am having a little difficulty with the title of the act. Requiring a permit or license for those engaged in the business of designing or installing sewerage systems and putting them on the licensing board of accountants.

Sen. POULSEN: That isn't the intent of the bill.

Sen. ROCK: Does it give accountants license to be plumbers at the same time?

Sen. POULSEN: In their own homes.

Sen. KEENEY: Senator Poulsen, when HB 365 first came before us and you were recommending it went to interim study I asked you about the appearance of anybody representing the Society of Professional Engineers and I understood you to have said yes but they didn't present any amendments that they had found problems with it. Does this amendment now correct the deficiencies that you pointed out to us before?

Sen. POULSEN: It will only correct it through the committee of conference process Senator. I am sure that the House will not concur readily with this but will set up a committee of conference.

Sen. TROWBRIDGE: We have heard so much about what a wonderful job Sumner Raymond did putting all the accountants in one room, did they all get a one room on this one, have you been in with them?

Sen. Lamontagne moved the previous question.
Adopted.

Floor Amendment to HB 365

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor and relative to the licensing of accountants.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Accountancy Board; Membership Changed. Amend

RSA 309-A:2 (supp) as inserted by 1971, 523:1 by striking out said section and inserting in place thereof the following:

309-A:2 Board of Accountancy.

I. There shall be a board of accountancy consisting of 6 members to be appointed by the governor with the advice and consent of the council. Two of the members of said board shall be certified public accountants who have held certificates as such from the state of New Hampshire for a period of at least 5 years immediately preceding their appointment, and at least one of said certified public accountants shall be actively engaged in the practice of public accountancy at the time of his appointment. Two of the members of the board shall be public accountants, who at the time of their appointment shall be licensed as public accountants under the provisions of RSA 309-A:8, and for a period of at least 5 years immediately preceding their appointment, shall have been actively engaged in the practice of public accountancy. Two of the members of the board shall be members of the public who are not accountants, licensed or registered under RSA 309-A, and who do not provide or work for a firm which provides accounting or management consulting services. These members shall represent the interests of the public.

Commencing with appointments made from and after January 1, 1980, accounting practitioners may be appointed to the board in place of one or both public accountant members.

Each member shall be appointed for a term of 5 years and until his successor is appointed and qualified except that, beginning with appointments commencing in September, 1977, the governor and council shall cause a member to be appointed each year thereafter as each term of office expires for the following terms:

One certified public accountant member—3 years;

One certified public accountant member—5 years;

One licensed public accountant member—2 years;

One licensed public accountant member—5 years;

One public member—one year;

One public member—4 years.

No person shall be appointed to serve more than 2 terms. Appointment to fill an unexpired term is to be considered as serving a complete term. Vacancies shall be filled by the governor with the advice and consent of the council for the unexpired term. The governor with the advice and consent of the council may remove any member of the board for neglect of duty or other just cause.

The board shall organize by the election of a chairman and a secretary-treasurer and may make all rules and regulations necessary to carry into effect the purposes of this chapter. Such rules and regulations shall be published and a copy delivered to all persons certified, licensed or registered under this chapter. A quorum shall consist of not less than 4 members one of whom shall be a public accountant or accounting practitioner member.

The board shall have a seal which shall be judicially noticed. The board shall keep a record of all proceedings and actions by and before the board, and in any proceeding in a court, the certificate under seal of the board shall be prima facie evidence of any proceeding or action by or before the board stated in the certificate.

II. Members of the board shall be compensated in the amount of \$25 a day for each day actually engaged in the duties of the office. In addition, the secretary-treasurer shall be compensated in an amount to be determined by the board, but not to exceed \$1,200 per annum. The board shall have printed and published for public distribution periodically, a register which shall contain the names, arranged alphabetically by classifications, of all persons holding certificates, licenses or registrations and having current permits to practice under this chapter; the names of the members of the board; and such other matters as may be deemed proper by the board. Copies of said registers shall be mailed to each certificate holder, each license holder, and each registration holder.

III. The board shall promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy, which code of ethics shall be binding

on all persons practicing public accountancy temporarily or permanently in this state, provided that no such rules shall prohibit an accountant from advertising his name, place of business, hours, professional or academic credentials, field of concentration and fee schedule. At least 60 days prior to the promulgation of any such rule or amendment, the board shall mail copies thereof to all holders of certificates or licenses, or registrations issued under this chapter. Such copies shall contain a notice advising the addressee of the proposed effective date of the rule or amendment and requesting that he submit his comments thereon, if any, at least 15 days prior to such effective date. Such comments shall be advisory only.

6 Experience Requirements Changed. Amend the introductory paragraph of RSA 309-A:4, III (supp) as inserted by 1971, 523:1 by inserting in line one after the word "agency" the following (or private industry) so that said paragraph as amended shall read as follows:

Experience obtained in the employment of a governmental agency or private industry in the following areas may be accepted by the board in its discretion as qualifying experience under this section:

7 Educational Requirements Changed. Amend RSA 309-A:4, IV (supp) as inserted by 1971, 523:1 by inserting in line 3 after the word "examination" the following (or to a person licensed under RSA 309-A:8, I or II) so that said paragraph as amended shall read as follows:

IV. None of the educational requirements specified herein shall apply to a candidate who, on the effective date of this chapter, has applied to and has been accepted by the board to take the examination or to any person licensed under RSA 309-A:8, I or II.

8 Examination Times Changed. Amend RSA 309-A:5 (supp) as inserted by 1971, 523:1 by striking out said section and inserting in place thereof the following:

309-A:5 Examination. Any person who meets the requirements for a certificate except the requirement for experience shall be entitled to be examined. The board may make such use of all or any part of the Uniform Certified Public Accountants' Examination and Advisory

Grading Service as it deems appropriate to assist it in performing its duties hereunder. All examinations shall be conducted by the board at a time and place designated by the board, and shall take place as often as may be necessary in the opinion of the board but not less frequently than twice each year. A candidate who shall have passed the examination in at least 2 of the subjects given by the board shall receive credit for those subjects, and may be reexamined in only the remaining subjects. The board may, at its discretion, allow credit for all or part of an examination taken in another state or territory, if, in the opinion of the board, the examination is essentially the same as that given in this state. When the candidate passes any of the remaining subjects he shall receive credit for each subject so passed. No candidate shall be required to be reexamined in any subject for which the board has previously granted credit, for a period of 5 years after he has received such credit. Nothing herein shall be construed as prohibiting the reexamination in all subjects of a candidate who has failed in a prior examination. The board shall charge for the initial examination provided for herein, a fee which shall be set by the board in an amount not to exceed \$75. This fee shall be payable by the applicant at the time of making application. In case the application is rejected, the fee shall be refunded. Fees for reexamination as provided above shall be charged by the board in amounts determined by it, but not in excess of \$15 for each subject in which the candidate is reexamined. No additional fee shall be charged for the certificate of a successful applicant.

9 Accounting Practitioners; Registration Requirements Changed. Amend RSA 309-A:10, I, (b) (supp) as inserted by 1971, 523:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(b) shall have passed part of the written examination administered under RSA 309-A:3, IV, provided that all accountants who have met the requirements of licensing under RSA 309-A:8 and who apply for registration under this section shall be considered to have passed that section of the exam, as set out in RSA 309-A:3, IV, entitled

theory of accounts and said applicant shall be exempt from RSA 309-A:10, IV.

10 Disbursement of Examination Fees Specified. Amend RSA 309-A:11 (supp) as inserted by 1971, 523:1 by striking out said section and inserting in place thereof the following:

309-A:11 Annual Permits. Annually, each certified public accountant, each public accountant, and each accounting practitioner shall file at the office of the board, giving his then residence and place of business and such other information as the board may require. The board shall have the power to designate the date of filing. The annual fee for such filing shall be set by the board in an amount not to exceed \$25. The board shall thereupon file a duplicate of the filing in the office of the secretary of state. Each accountant filing shall be entitled to a permit from the board setting forth the fact of the annual filing, payment of the fee, and recording thereof. The fees collected under this chapter shall be paid into the state treasury, and the state treasurer, on warrant of the governor, shall pay out of the funds so paid into the treasury all expenses incident to the expenses of issuing certificates, licenses and registrations, and fees and expenses of the members of the board while performing their duties. Other provisions of law notwithstanding, that portion of application fees, for certified public accountants and registered accounting practitioners, which shall be considered to be the actual cost of the exams shall be deposited in a special non-lapsing account entitled "Examination Fees." The cost of such examinations will be expended from this account. An account thereof shall be made to the state treasurer in accordance with the manual of procedures. No expenses incurred under this chapter shall be a charge against the general funds of the state.

11 Practice by Permit Provided. Amend RSA 309-A:13 (supp) as inserted by 1971, 523:1 by inserting in line 3 after the word "registration" the following (or an annual permit) so that said section as amended shall read as follows:

309-A:13 Practice of Public Accountancy. No person

shall engage in the practice of public accountancy as defined in RSA 309-A:1, IV unless such person is the holder of a certificate, a license, a registration, or an annual permit issued by the board under this chapter. Nothing herein contained shall be construed to prohibit a certified public accountant, a public accountant, or an accounting practitioner of another state from temporarily practicing accountancy in this state in the performance of professional engagements originating in such other state as an incident to his regular practice of accountancy in such other state, provided that such temporary practice is conducted in conformity with the rules and regulations of professional conduct promulgated by the board of this state.

12 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted. Ordered to third reading.

Sen. Monier moved that HB 387 be taken from the table. Adopted.

HB 387, establishing the police standards and training council training fund to consist of penalty assessments imposed in certain criminal cases.

Sen. MONIER: I have no amendment to offer but I would like to pass onto all of those present that since we had laid that on the table I picked up several different interesting comments to it. One of them was in light of the recent supreme court decisions it is pretty inevitable that our police and fire service be operated at a level where we will have a fighting chance. I have never found out what he meant by a fighting chance but I think I understand what he is talking about. 387 is the penalty assessment bill for support of the fire and police training academy and in addition to that I might add that at the present time one of the things that we should know, under RSA 105a the standards and training council has

partially reimbursed the town, a police officer's salary while attending the academy. We have not been able to do this the past couple of years due to the lack of funds. This will provide funds not from the taxpayer so for once we can pass a bill that isn't going to cost the taxpayer anything.

Sen. BROWN: Although you have spoke in favor of the bill Senator what I am concerned about this bill and I questioned Senator Bradley when he brought a bill on in relation to these sur charges on these fines to support different things. This is the third bill that we have had here this session, with sur charges or fines. Just how far do we go here?

Sen. MONIER: As far as I am concerned Senator Brown if we can charge those responsible for the problems that we have it is perfectly all right with me.

Sen. ROCK: Senator heard Senator Monier say that for once the taxpayer isn't going to pay if we continue to have the increases in crime that we are having and we broaden the base enough, if we keep taxing the fines have we not found a new base of broad based taxations here.

Adopted. Ordered to third reading.

Sen. Hancock moved that HB 513 be taken from the table.

Sen. Hancock requested a roll call. Seconded by Sen. Gardner.

The following Senators voted yea: Smith, Gardner, Bradley, Trowbridge, Keeney, Hancock, Healy, Bossie, Fennelly, Downing, Preston.

The following Senators voted nay: Lamontagne, Poulsen, Bergeron, Saggiotes, Monier, Rock, McLaughlin, Sanborn, Provost, Brown.

11 yeas 10 nays

Adopted.

HB 513, creating an office of youth services and an advisory commission on youth and making an appropriation therefor.

Sen. HANCOCK: Mr. President, members of the senate, HB 513 creates an office of youth services and an advisory commission on youth and makes an appropriation therefore. It is my understanding that the appropriation will be pretty much 90% with federal funds from the crime commission. This sets up an office with a director and two planners and one secretary and it has been subscribed to by the New Hampshire Federation of Youth Services, New Hampshire Commission on Children and Youth. We had a fairly lengthy hearing on it and the Executive departments committee and those who are concerned with the well-being of the youth truants and the uncontrollables and so forth are very much in favor it. I hope that you will vote down the committee's recommendation so that I may make a motion of ought to pass.

Sen. BRADLEY: Senator Hancock, one of the questions that has been raised about this is that it appears on the surface somehow to be overlapping the governor's commission on youth. Does it in fact duplicate or overlap?

Sen. HANCOCK: According to the sponsor it does not. It merely sets up a commission whereby it can coordinate the activities that are now paid for mostly by communities, it can act as a clearinghouse for information and it can devise and develop and promulgate a statewide plan which is necessary for the seeking of federal funds.

Motion of interim study.

Division vote: 11 Senators voted yea; 9 Senators voted nay.

Adopted.

Sen. Bossie moved that HB 586 be taken from the table.

Division vote: 16 Senators voted yea; 4 Senators voted nay.

HB 586, to provide for the licensing and regulation of plumbers and making an appropriation therefor.

Sen. Bradley moved an amendment to HB 586.

Sen. BRADLEY: As I said before my interest in this is having broad acceptance of your own property. I have rewritten this acceptance so that it says the owner or its agent who installs, repairs or replaces plumbing in his own residence or any owner or his agent makes minor installations, repairs and replacements to property owned by him. So in your own house you can do it all. You can install your whole plumbing system, you can get your neighbor to help you. In your apartment house that you rent but you don't live in you or your caretaker who is not a plumber can make minor installations. You can sweat joints, install washers, you can repair the ball that floats up and down in your toilet.

Sen. SAGGIOTES: Senator Bradley in layman's language what does agent mean.

Sen. BRADLEY: That is anybody who works for you in layman's language. That is either your maintenance man, it could be your employee or it could be an independent contractor. Anybody that is working on your behalf. It would even include in this context, Senator Lamontagne's next door neighbor.

Sen. SANBORN: I too am interested in this agent. I say this relative to the owner and his agent and I am interested here in the Deerfield fair grounds where we have one of the local boys come in and keep the plumbing working and he is not a licensed plumber. Now is he one of our agents. So we can continue to have him to keep the plumbing in repair.

Sen. BRADLEY: Yes. In case of an incorporation it would be anybody that your corporation employs.

Sen. TROWBRIDGE: Senator Bradley, I hate to bring this up but if I were interpreting this anybody who has his agent my agents got to be Hughie Pickford who is my plumber and so when he comes to work in my home he is outside, he is the exception.

Sen. BRADLEY: When he comes to work on your home he can do anything for you. He doesn't need a license.

Sen. TROWBRIDGE: So anybody, he is outside the law. He doesn't have to be licensed?

Sen. BRADLEY: Yes.

Sen. POULSEN: Senator Bradley if I were a rich fellow like Senator Smith and had more than one house, could I do my plumbing in one house and not the other because I lived in one of them at the time?

Sen. BRADLEY: This is any of your residents.

Sen. Lamontagne moved that HB 586 be referred to Judiciary for interim study.

ROCK: Mr. President I rise in opposition to the present motion, I think Senator Bradley has given us a broad, sweeping loophole which will be known in posterity as the Dewey Pickford loophole. I don't think you need to send it anywhere, I think it is alright.

Motion failed.

Floor Amendment to HB 586

Amend RSA 329-A:3, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. To an owner or his agent who installs, repairs or replaces plumbing in his own residence or any owner or his agent who makes minor installations, repairs or replacements to property owned by him.

Amendment adopted. Ordered to third reading.

Sen. Brown moved that HB 1044 be taken from the table. Adopted.

HB 1044, relative to the public employee labor relations law.

Sen. Brown moved an amendment to HB 1044.

Amendment to HB 1044

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Budget Submission Date Specified. Amend RSA 273-A:1, III (supp) as inserted by 1975, 490:2 by striking out said paragraph and inserting in place thereof the following:

III. "Budget submission date" means the date by which, under law or practice, the public employer's proposed budget is to be submitted to the legislative or other similar body of the government, or to the city council in the case of a city, for final action. In the case of a town, school district or supervisory union it means February 1 of each year.

Sen. BROWN: Mr. President, this bill deals with two changes in the public employee labor relations law. The first change which is the floor amendment which is on your desks. There has been a problem in relation to the budget submission date of a public employer sending the budget to the labor relations board. The House in their bill put it 22 days prior to the district meeting. We found the committee in consultation with Senator Bradley and found that that did not solve the problem so Senator Bradley and I met with Mr. Hazeltine who is on the board and we set a date which is February fourth which was satisfactory, it seemed to satisfy the problem. The second change in the law is on the second page of the bill on line 7, section 3 and it changes the words day final to one word and, the reason being the board has power by law to issue a temporary order such as a cease and desist order but there is no place in the law that says the court can take it into consideration because the law reads final order and a temporary order of course is not a final order. This would clear that up. The last section of

the bill just clarifies it, no contracts or agreements have been made prior which will be jeopardized by these changes.

Sen. TROWBRIDGE: Is this all town budgets and school budgets have to be submitted to someone by February 1?

Sen. BRADLEY: This is just an arbitrary date which fixes the time table for the negotiation thing. The negotiation law says if you want to ask for negotiation you have to start 75, and then 60 days and so on and the trouble was that it was all tied to the budget submission date but everyone has a different budget submission date and they were playing games with it. The labor relations board wanted to have a fixed date so he just arbitrarily picked February 1. Nothing really has to happen on February 1.

Amendment adopted. Ordered to third reading.

Sen. Monier moved that HB 1184 be taken from the table.
Adopted.

Sen. Monier in the chair.

HB 1184, relative to a temporary absence from residence and its effect on voting rights.

Sen. Bradley moved an amendment to HB 1184.

Amendment to HB 1184

Amend RSA 54:10 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

54:10 Temporary Absence. A residence acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom, with the intention of returning thereto as his home. Inhabitation for the purpose of voting as defined in RSA 54:1, once existing, continues to exist until another legal voting residence is gained. Temporary personal residence and permanent legal residence

for purposes of voting are questions of fact and intention. A voter can have only one legal residence for these purposes. No person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigations of the waters of the United States or of the high seas, nor while a teacher in or student of any seminary of learning, nor while confined in any public prison or other penal institution, nor while a patient or confined for any reason in any nursing, convalescent home or hospital, hospital, old folks or old age home, or like institution or private facility.

Sen. BRADLEY: In the original bill, about the third or fourth sentence, it says that residence must be the principal residence, if you recall this debate from the other day, does that mean 51% of the time and all that. This amendment of mine simply strikes that sentence from the bill. Otherwise the amendment is just like the bill. At this hour I am not prepared to say that that makes the bill perfect. I think it removes a legitimate problem, my assumption is that this will go to a committee of conference and we can kick this business around. I think this bill and the next one were poorly drafted and need to be reworked, if have an amendment along similar lines on that one as well.

Division vote: 12 Senators voted yea; 8 Senators voted nay.

Amendment adopted. Ordered to third reading.

Sen. Jacobson moved that HB 1186 be taken from the table.

Adopted.

HB 1186, relative to legal voters.

Sen. JACOBSON: I think what the amendment does is that it in effect allows for most anyplace to be a residence. As I understand, all the testimony that was offered

in the house and all of the testimony that was offered in the senate that the whole intention of this bill, 1184, is to clearly identify where the residence is and by using the word principle, it identifies it and I checked Black's law dictionary and Senator Bradley says that that is not an authoritative thing but in any event, it does not use either the connotation of chronology or percentages. It simply says main equal to main. So if we adopt the amendment I think in effect we reduce the question of precisely what the residence is.

Sen. TROWBRIDGE: Since this discussion that Senator Bradley brought out I went home and I took a look around the people in my area. It was very interesting to see how many people we had who vote in the towns around where I live, who you would not say that was their principle residence. They have lived in Massachusetts, some are professors in Massachusetts who have always voted in New Hampshire. They have always lived there, they pay taxes there, they don't vote in Massachusetts, they have been loyal citizens of the town of Harrisville, Dublin and other towns. I don't think I want to miss having that kind of person who for one reason or another, established residence in the state of New Hampshire. It is their own decision, they are not going to vote anywhere else, they are not hippies, truants, all the things you are talking about. But at this point if this thing were there someone marching into board of supervisors in Dublin and saying, I want to be a voter here in Dublin and if they went through the routine without the amendment I can perfectly well see how they would justifiably be refused. I think we have to go beyond Black's law dictionary which was written in the 1600's and recognize that this is a modern society where people do things around in different places more than they do even 20 years ago where it was possible to come up every weekend, let's say from Boston into the community. I think Senator Bradley is our legal advisor on this one and I think it is time to take his advice and not put that principle, to adopt his amendment and recognize that Senator Jacobson who is not yet a judge and that there is more to this than

trying to make a simple rule. I really think that he has done his homework and he has persuaded me and I think you all have people in your towns who fall into those categories.

Sen. JACOBSON: Just one question to clarify. I think you said Black's dictionary was 16th century. I think you were referring to Blackstone were you not and not to Black?

Sen. TROWBRIDGE: Well I have one and it looks like it was printed in 1600. It sounds like it was also.

Sen. JACOBSON: If you have a book of 16th century would you donate it to me?

Sen. BRADLEY: I think you incorrectly quoted me, what I said was no authority, I think what I told you was it was the least authority of all lawbooks.

Sen. JACOBSON: I will accept that that is what you said. I conclude that it was of no authority.

Sen. Bradley moved an amendment to HB 1186.

Amendment to HB 1186

Amend RSA 54:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

54:1 Legal Voter. Every inhabitant of the state, having a fixed and permanent established domicile, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election to vote in the town ward or unincorporated place in which he dwells. The determinant of one's permanent dwelling and domicile is a question of factual physical presence incorporating an intention to reside for an indefinite period. This dwelling and domicile is the voter's residence to which, upon temporary absence, he has the intention of returning.

Sen. BRADLEY: This is very parallel to what we have just discussed. What I have done is remove the last sentence from the bill. The last sentence from the bill said this residence referring to legal voting residence, whether or not the voter lives elsewhere for portions of the year, is that place in which he dwells or has a domicile for the greater portion of the year than in any other factual place of residence. If anything I think this is a clearer problem because it clearly makes residents turn on an inquiry of a number of days resided in a particular place and again, you can't make the test turn on that. I think the rest of this bill, which is what my amendment is, is a pretty good statement of what the law is. I think that is about as far as you can go.

Sen. TROWBRIDGE: It is the same issue that we talked about before. You have to give a guideline and I think Senator Bradley has given a guideline by which a supervisor can decide. The other one was I think, too restrictive.

Division vote: 14 Senators voted yea; 7 Senators voted nay.

Amendment adopted. Ordered to third reading.

Sen. Jacobson in the chair.

Sen. Rock moved reconsideration on HB 723, eliminating the requirement for the residence of a candidate on the ballot.

Sen. ROCK: I will be very brief Mr. President. I have been asked by several members of the House to make this motion. The amendment which is in the possession of the clerk has to do with a bill that has passed the house for the last three sessions and it passed with a comfortable majority. The question is when a representative represents a multi-district area, multi-town district and his home residence happens to be the smaller of the two towns and it is a very difficult job to get elected, we have on one occasion passed this and then reconsidered and downed it, by amendment that I have been asked to introduce, and

again I will state clearly for the record, by a member of the House who has support in the House for passage, and under 59:3 leaves the House in. It says in effect that the ballot shall contain the name and address of each candidate who has been nominated in accordance with the law and the underlined part, except candidates for election to the House of Representatives or the general court. The bill will have no effect on the Senate, the House wants it, they passed it three sessions in a row and this has no effect on the Senate if you pass it.

Sen. BOSSIE: Senator if I understand your amendment correctly, basically what it would do is to just provide in the House of Representatives races, would the town or city be listed, no other contest in the state?

Sen. ROCK: No other except candidates for election to the House of Representatives of the General Court.

Sen. SAGGIOTES: Does that refer to the General Court?

Sen. ROCK: It refers to the House of Representatives of the general court specifically.

Sen. SAGGIOTES: Senator Rock have you taken the same position as far as the designation of the town for state Senators?

Sen. ROCK: Regardless of my position Senator this amendment does not affect state Senators or candidates for the council, it says every ballot shall contain the name and the residence of each candidate who has been nominated in accordance with the law except candidates for election to the House of Representatives for the general court.

Sen. SAGGIOTES: I understand that Senator Rock. My question was have you taken the same position previously as it pertained to all office holders?

Sen. ROCK: I personally have, yes.

Sen. SMITH: If you were unfortunate enough to have the name Smith, wouldn't you feel better to have the name of your town next to your name so it would stand out a little bit more?

Sen. ROCK: Absolutely Senator and that is why the amendment further states the residence of a candidate for election to the House of Representatives of the general court shall not be printed on the ballot unless in the

judgment of the secretary of state, it is necessary in order to prevent confusion of the voters due to a similarity or identity of names.

Sen. SMITH: Isn't this opening the door to further taking the names of towns off of the ballot?

Sen. ROCK: Senator I tried to make my position very clear in introducing this amendment. I have a constituent who resides in the twelfth Senate district who pleaded with me to try this amendment because the House as you know, is unhappy with this anyhow and we might curry a little favor if we give them a bill that they have passed three sessions in a row that isn't going to affect us and they apparently want. I could read to you the lengthy testimony from the senate journal, page 209 March 75 wherein we also passed the same thing applying to the senate and unfortunately I think the motion to reconsider when we didn't have the troops and that lost. I am not asking for the Senate, I am asking for a friend on the other side of the wall who wanted it.

Sen. TROWBRIDGE: Since this thing has been indefinitely postponed, does this thing take 2/3s vote?

The CHAIR: This takes 2/3's vote on the previous ruling of the chair.

Sen. SAGGIOTES: Mr. President I support the position of the Senator from the twelfth district and I am glad to hear that he has taken the same position previously and I support him on the basis that it doesn't mean that much difference as to whether or not the individual town is listed and I base this on the recent election of last November in my area, in my district and one of these incumbents who had six or seven previous terms in the house of representatives who came from a much larger town, a much more populated area, who was defeated by an individual who was an octogenarian who claims he was from a very much smaller town. I shall support the motion of Senator Rock.

Sen. SANBORN: Senator Monier I would like to refer to a couple of towns in your district. Are not two of your towns tied together for four representatives?

Sen. MONIER: Five, Litchfield and Merrimack.

Sen. SANBORN: How many people from Litchfield ever get elected to be in the House?

Sen. MONIER: None that I know of.

Sen. Downing moved the previous question.

Adopted.

Motion failed.

(Sen. Downing, Fennelly, Bradley, Saggiotes, Lamontagne, Preston, Bergeron, recorded in favor)

Sen. Healy spoke under rule No. 44.

Sen. HEALY: I know it is getting late but this is a very serious moment for me. I was grieved to learn this evening of the sudden death in Nashua of Dr. John Sing. Dr. Sing was a prominent member of the House of Representatives. Representative Sing had been very active in the general court and manifested a great interest in the people of Nashua as well as all the people of the state of New Hampshire. He was a credit to his community and to the general court. Dr. Sing, a chiropractor, was very prominent in Nashua and served as an alderman and always was active in the affairs of his community. I would like to ask the President of the Senate if the members of the Senate would go along with me, to send an expression of tribute to Dr. Sing's family. We believe that he will be missed very much in the halls of the State Capital where he was very active participant in all matters of legislation. I am hoping that a floral spray or something can be sent from the members of the Senate and we will have the expenses taken care of by Milo. We shall pay him in due time tomorrow.

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILL AFTER THE
DEADLINE WITH THE APPROVAL OF 2/3 JOINT
RULES

HOUSE REQUESTS CONCURRENCE

First and Second Reading and Referral

HB 1194, concerning collecting sewer charges in municipalities with over 80,000 population. To Executive Departments.

VACATE

Sen. Monier moved that HB 1194 be vacated from Executive Departments to the committee on the Manchester delegation.

Sen. MONIER: Quite frankly from hearing the bill I think it applies only to Manchester and really wouldn't it be more sensible for them to handle that bill.

Adopted.

VACATE

Sen. Bossie moved that HB 1194 be vacated from the Manchester delegation to the committee on Cities Legislation.

Motion failed.

Sen. Keeney moved that HB 778, HB 846, HB 898, be discharged from the committee on Cities Legislation.

Sen. KEENEY: Although I recognize some of the feeling of the senate on asking for a discharge from a committee I feel that these three bills which are of interest to the city of Nashua, two of which ask for a local referendum in the city of Nashua, and one of which was asked specifically by the Nashua treasurer in regard to its debt limit being raised are of significant importance that the senate understand why we have this procedure of discharge when bills are not reported out of committee.

Sen. Keeney requested a roll call. Seconded by Sen. Hancock.

The following Senators voted yea: Smith, Gardner, Bradley, Saggiotes, Trowbridge, Keeney, Hancock, Preston.

The following Senators voted nay: Lamontagne, Poulsen, Bergeron, Monier, Rock, McLaughlin, Healy, Sanborn, Brown, Bossie, Downing.

8 yeas 11 nays

Motion failed.

Senator Downing moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, except CACR 16 and that they be passed at the present time; and that when we adjourn, we adjourn until Monday, June 13 at 9:00 a.m.

Adopted.

Late Session Third Reading and Final Passage

HB 1191, making appropriations for capital improvements.

HB 390, relative to the selection of delegates to national presidential nominating conventions.

HB 167, establishing a unified primary.

HB 845, revising the access to public records law (RSA 91-A).

HB 573, providing for the acquisition of certain dams and water rights by the water resources board and making an appropriation therefor.

HB 542, relative to a state-wide solid waste management program.

HB 529, relative to reimbursing victims of violent crimes and making an appropriation therefor.

HB 567, relative to the New Hampshire retirement system cost of living increases.

HB 1137, relative to capital punishment.

HB 129, exempting certain persons from prosecution relative to exposing minors to harmful material or obscenity.

HB 1128, relative to the support of dependent children.

HB 622, relative to the responsibility for public medical assistance.

HB 223, requiring all lobbyists to wear a name tag when lobbying in the state house or the legislative office building.

HB 1083, relative to time-of-day electric utility rates.

HB 370, relative to salaries of full-time justices of district courts.

HB 455, relative to a special decal on motor vehicle number plates for a person with a walking disability.

HB 1006, establishing a Merrimack valley college as a fourth school in the university system.

HB 228, an act imposing an additional one cent tax on motor fuel and fuel other than motor fuel, dedicating 95 percent of the revenue to towns and cities, and relative to the construction of the Spaulding turnpike extension and making an appropriation therefor.

HB 502, relative to the insanity defense in criminal cases and the disposition of persons not dangerous to go at large.

HB 316, relative to the exemption period for subdivision plat approval and requiring that any person submitting an application and plans for construction approval by the water supply and pollution control commission certify that he has met all local pertinent requirements.

HB 1104, changing the penalty for failure to file user of fuel reports with the road toll section.

HB 1016, establishing procedures for the periodic termination, review, and renewal of state agencies and programs.

HB 1155, relative to the conveyance of property acquired by a town or city at a tax sale.

HB 1134, making the person chargeable by law for a child's support and necessities primarily liable for the expenses of a neglected or delinquent child or person in need of supervision.

HB 197, relative to extending the time limit for burning dumps in small towns.

HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor and relative to the licensing of accountants.

HB 387, establishing the police standards and training

council training fund to consist of penalty assessments imposed in certain criminal cases.

HB 586, to provide for the licensing and regulation of plumbers and making an appropriation therefor.

HB 1044, relative to the public employee labor relations law.

HB 1184, relative to a temporary absence from residence and its effect on voting rights.

HB 1186, relative to legal voters.

Adopted.

CACR 16, Relating To: The Date the Secretary of State Shall Lay the Votes for Governor Before the Senate and House of Representatives. Providing That: The Secretary of State Shall do so the First Wednesday Following the First Tuesday in January.

Division vote: 20 Senators voted yea. 0 Senators voted nay.

Adopted.

Sen. Bossie moved to adjourn at 12:10 a.m.

Monday, June 13

The Senate met at 9:00 a.m.

A quorum was present.

The prayer was offered by Sen. Jacobson.

Our Father, despite our frailties, our changeableness and lack of enthusiasm at times, keep us under the shadow of thy wing without surcease.

Amen

Sen. Rock led the Pledge of Allegiance.

Senator Downing moved that the Senate now adjourn from

the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Wednesday, June 15 at 11:00 a.m.

Adopted.

Late Session

Senator Trowbridge moved to adjourn until 11:00 a.m.
Adopted.

Wednesday, June 15

The Senate met at 11:00 a.m.

A quorum was present.

The prayer was offered by Rev. Dr. Vincent Fischer, Senate Chaplain.

We thank Thee once again, Lord, for Thy blessings upon this land—and the hallowed memories of the history of our Flag.

May our actions and work in this Senate be an asset and contribution to keep our flag flying freely and majestically, as a symbol of Peace, Goodwill and Brotherhood—over our land and respected throughout the whole world.

Let the bloodshed and the final unity which brought Liberty and Justice for all—never perish from the earth.

Our Flag—long may it wave, Lord!

Amen

Sen. Poulsen led the Pledge of Allegiance.

VETO MESSAGES

June 14, 1977

To the Honorable Members
of the General Court

I am returning herewith SB 158, together with my objections thereto as provided in Part 2, Article 44, of the New Hampshire Constitution.

For the first time, this bill would prohibit the State Liquor Commission from keeping liquor stores open for business on any Christmas Eve or New Year's Eve after 5:30 p.m. Such legislation is a very unbusinesslike intrusion into the normal operating policies of the State Liquor Commission. It also appears to be a reaction to the Commission's decision to keep the stores open until 7:00 last Christmas Eve and 8:00 and 9:00 last New Year's Eve, contrary to the wishes of some people. If this bill had then been law, the state would have lost \$95,000 in sales.

It is important to balance the needs of the state in the operation of its liquor stores with the understandable desires of its employees to go home earlier on Christmas and New Year's Eves. Last year, this was worked out by agreement among the Commission, the SEA and the Governor and Council subcommittee.

The people of the state of New Hampshire have determined that the sale of liquor should be run by the state as a business. This type of legislation will interfere with that mandate.

It doesn't make sense to expect the Liquor Commission to attain a certain level of revenues and at the same time to tie their hands and curtail their ability to meet the very goals set by the Legislature.

If this bill is permitted to become law, it will set a bad precedent for further attempts to legislate the business judgment of the Commission. For example, you can expect efforts to close the stores before other holidays and even to shorten normal working days.

I urge that this veto be sustained so that this bill will not

become a precedent for further curtailment of the good business practices of your State Liquor Commission.

Sincerely,

/s/ Meldrim Thomson, Jr.

Meldrim Thomson, Jr.

MT/cjw

Sen. Keeney moved the veto message be laid on the table.
Adopted.

June 14, 1977

To the Honorable Members
of the General Court

I am returning herewith SB 196 with my objections noted pursuant to Part 2, Article 44, of the New Hampshire Constitution.

If this bill becomes law, it will enable an individual to have controlled drugs on his person in any container or loose in his pocket or in his car or wherever he may be. If such a person needs medical treatment because of an overdose of drugs, it will not be possible to determine quickly what drugs the individual might have taken, and it will be extremely difficult for any hospital or doctor to provide prompt treatment under these circumstances. As Dr. Maynard H. Mires, Director of the Division of Public Health Services, points out, it is a basic rule of medicine to keep the drug in its original container. He agrees that this bill should be vetoed.

If a person, suspected of dealing in dope, does not have the drugs in the original containers, it will be practically impossible to determine where these drugs came from. Thus, the repeal of the original container law will interfere substantially with effective law enforcement and the tracking down

of drug dealers. This is the firm opinion of Commissioner of Safety Richard Flynn, his Deputy Earl Sweeney and State Police Sergeant Maurice Gagnon, project director, Diversion Investigation Unit, all of whom have urged that this bill be vetoed.

Law-abiding citizens who need to have controlled drugs prescribed to them and keep them in their possession will carry these drugs in some kind of a container anyhow. Balanced against the effect upon law enforcement, it is not a hardship to require that people keep the drugs in the original container which has been properly labeled showing the source and name of the drug. I realize that the present law may inconvenience a few of our citizens, but I believe in this instance that the present law is an extremely important element of drug law investigation and enforcement and that its repeal would favor the drug dealers.

Sincerely,

/s/ Meldrim Thomson, Jr.

Meldrim Thomson, Jr.

MT/cjw

Sen. Smith moved the veto message be laid on the table.
Adopted.

ENROLLED BILLS REPORT

SB 17, permitting nonprofit social clubs holding a liquor license to charge members and guests to cover entertainment costs.

SB 30, enabling regional refuse disposal districts to create capital reserve funds.

SB 31, relative to the form and use of walking disability identification on motor vehicles.

SB 33, relative to the duties and responsibilities of the

property appraisal division of the department of revenue administration.

SB 64, relative to the attachment, execution and levying upon execution of the interest of an owner of a mobile home by creditors other than those possessing an interest therein under a mortgage, pledge, or security agreement or lien created by statute or rule of law.

SB 104, relative to the stocking of fish by the fish and game department.

SB 135, relative to public forest lands.

SB 136, relative to the change of use of land subject to the current use tax.

SB 142, amending the definition of moped in the motor vehicle laws.

SB 197, permitting a city or town to charge fees for commercial waste.

SB 221, requiring the office of state planning to estimate annually the resident population of cities and towns within the state.

SB 238, relative to waiving competitive bidding for the city of Manchester under certain conditions.

SB 244, concerning vocational—technical colleges.

SB 263, establishing a procedure to discontinue certain capital reserve funds.

SB 270, relative to municipal immunity.

SB 279, relative to group health insurance coverage for certain retired state employees.

SB 293, relative to wood processing mills.

SB 307, relative to decreased funeral directors.

HB 235, to permit stolen and other property to be restored to rightful owner in advance of trial or appeal.

HB 313, prescribing the manner of posting land and providing for a penalty for trespassing on posted land.

HB 382, relative to the jurisdiction of district courts in criminal cases.

SB 161, making a supplemental appropriation to the department of administration and control.

SB 202, relative to appropriations for the rehabilitation of the memorial bridge in Portsmouth.

SB 216, providing for the replacement of the Cannon

Mountain aerial tramway; making an appropriation therefor; and establishing a special account for the income from tramway service charges for operating costs and amortization of the appropriation.

SB 285, relative to the accelerated Federal-Aid highway construction program.

SB 310, which changes certain laws which refer to game animals, game birds, fur-bearers and fish to the general category of wildlife.

SB 345, making a supplemental appropriation to nurses registration board.

HB 16, authorizing out of state municipalities to participate in district fire mutual aid systems.

HB 331, providing for the disposal of septic tank material.

HB 352, relative to the recording of agreements resolving boundary disputes in those registries recording on microfilm.

HB 448, relative to retirement benefits for judicial referees.

HB 467, relative to charging manner of death.

HB 487, relative to the publication of the Revised Statutes Annotated.

HB 605, to provide a special liquor and beverage license for race tracks.

HB 644, relative to the definition of subdivision under the planning laws.

HB 691, relative to a program for special education.

HB 752, relative to the time limit for reporting divorces to the bureau of vital statistics.

HB 777, relative to unfair, deceptive or unreasonable collection practices.

HB 790, relative to cancer drug therapy.

HB 801, relative to providing certain additional documents when applying for a marriage license.

HB 847, repealing provisions relative to depositing wills with the register of probate.

HB 892, relative to temporary transfer of prisoners.

HB 950, relative to defining service territories for electric utilities.

HB 1087, to extend the voluntary commitment of certain patients at New Hampshire hospital.

HB 1153, relative to reporting audit findings in summary form.

HB 1159, authorizing towns by local referendum to acquire and dispose of industrial facilities.

HB 1173, relative to cemeteries.

HB 15, exempting the tax on that portion of the dividend that constitutes a return of capital.

HB 103, relative to licensing fees for real estate brokers and salesmen.

HB 366, requiring results of second reading votes be included as part of questions proposing constitutional amendments.

HB 381, repealing the unfair sales act.

HB 555, creating a state historical records advisory board.

HB 613, relative to investments by savings banks in unsecured loans.

HB 1031, to allow local units of government to enter inter-local agreements for the performance of any legal municipal function.

SB 290, relative to the state library in an advisory capacity to state institutional libraries.

Sen. Lamontagne for the committee.

INTRODUCTION OF GUESTS HOUSE MESSAGES HOUSE CONCURS IN SENATE AMENDMENT

HB 696, eliminating the requirement of advertising lost passbooks and regulating the assignment of savings deposits.

HOUSE CONCURS

SB 285, relative to the accelerated Federal-Aid highway construction program.

HOUSE ACCEDES TO COMMITTEE OF CONFERENCE REQUEST

SB 54, relative to utility collection practices and termination of utility service for nonpayment of charges.

The Speaker has appointed Reps. James Logan, John Morgan, Bruce Rossley and Claire Plomaritis.

Sen. Blaisdell moved that **SB 307** be recalled from the Governor's office.

Adopted.

Sen. Blaisdell moved that **SB 307** be placed on third, then second reading at the present time.

Adopted.

Sen. Blaisdell moved that **SB 307**, relative to decreased funeral directors, be laid on the table.

Adopted.

Recess.

Out of Recess.

Sen. Preston spoke under rule No. 44.

ENROLLED BILLS AMENDMENTS

SB 123, relative to the power of certain colleges to grant degrees.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 123**

Amend section 1 of the bill by striking out line 6 and inserting in place thereof the following:

period July 1, 1977 to June 30, 1981, subject to continuing approval of the

Amendment adopted.

HB 355, regulating health maintenance organizations.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 355

Amend RSA 420-B:7, I as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

transaction of the business of the health maintenance organization;

Amend RSA 420-B:10, I as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

necessary, but not less frequently than once in every 3 years. All examina-

Amendment adopted.

HOUSE MESSAGES
HOUSE CONCURS IN SENATE AMENDMENT

HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor.

HB 553, relative to search and rescue operations; establishing a search and rescue review board and making an appropriation therefor.

HB 586, to provide for the licensing and regulation of plumbers and making an appropriation therefor.

HB 270, relative to certain capital improvement appropriations for the aeronautics commission and the water resources board.

HB 575, increasing the appropriation from \$6,000 to \$10,000 for a continuing boat tax fund administered by the department of revenue administration.

Sen. Sanborn moved that any veto message not be taken from the table without full attendance in the senate.

Motion failed.

Recess.

Out of Recess.

Sen. Downing moved that the Senate now adjourn from the early session that the business of the late session be in order at the present time and that when we adjourn, we adjourn until Thursday, June 16 at 11:00 a.m.

Adopted.

Late Session
ANNOUNCEMENTS

Sen. Brown moved to adjourn at 5:00 p.m.

Adopted.

Thursday, June 16

The Senate met at 11:00 a.m.

A quorum was present.

The prayer was offered by Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, we thank You for the freedom—which still exists in this wonderful land of ours.

May You continue to guide us as we strive to be a leader among the nations—despite the hardships and conditions of our times.

We hope that the great spirit of Liberty—which persisted among the leaders of the Revolution—especially our own General Stark and his New Hampshire men, at the Battles of Bunker Hill and Bennington, shall be our inspiration and focus.

Hear us and help us, Lord!

Amen

Sen. Rock led the Pledge of Allegiance.

HOUSE MESSAGES

PROPOSED AMENDMENTS TO THE JOINT RULES

The House of Representatives has voted to amend the Joint Rules and asks the concurrence of the Honorable Senate.

Amend the Joint Rules by striking out Joint Rule 12-a and inserting in place thereof the following:

a. Notwithstanding any other House or Senate rule, a request for the drafting of a bill may be received by Legislative Services, and a bill may be introduced in either house after the dates specified in Joint Rules 10 and 12 if two-thirds of the majority of the members of the Joint Rules Committee vote in favor of its introduction. Any bill so introduced is exempt from the deadlines established by joint rules except that final action on any such bill, including action on any committee of conference report, shall be taken no later than 5:00 p.m. on the 4th Monday in June, and that any such bill shall be sent to the Governor for his signature no later than the 4th Tuesday in June.

Further amend the Joint Rules by striking out Joint Rules 30 and 31 and inserting in place thereof the following:

30. Both houses shall take final action including final action on all committee of conference reports, excluding final action on any bill or joint resolution referred for interim study or action on enrolled bills committee reports, on the so-called Budget Bill and Capital Budget Bill not later than the 4th Monday in June, and on all others no later than the 3rd Tuesday in June.

a. Reports of the Committees of Conference on the so-called Budget Bill and Capital Budget Bill shall be filed with the clerks of both houses no later than 3:00 p.m. on the 4th Friday in June, and on all others no later than 3:00 p.m. on the 3rd Monday in June.

31. The so-called Budget Bill and the Capital Budget Bill shall be submitted to the Governor for his signature no later than the 4th Tuesday in June, and all other bills no later than the 4th Thursday in June; and when each

house adjourns on the date that all bills and joint resolutions have been submitted to the Governor for his signature, it shall adjourn to the joint call of the President of the Senate and the Speaker of the House.

Sen. Rock moved that the Senate concur with the House amendments to the joint rules.

Adopted.

HOUSE ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

SB 167, relative to the enforcement of court ordered child support payments.

The Speaker has appointed Reps. Arthur Perkins, Doris Riley, Daniel Eaton and Philip Currier.

SB 315, relative to mobile home foundations.

The Speaker has appointed Reps. Roger King, Richard Hanson, Arnold Perkins and Arthur LaBonte.

SB 348, establishing a special fund derived from bar applicant fees for the use of the Supreme Court.

The Speaker has appointed Reps. Arthur Perkins, Leigh Bosse, Douglas Aller and Diane Herchek.

SB 189, establishing a coastal resources management program and making an appropriation therefor.

The Speaker has appointed Reps. Elizabeth Greene, George Kelly, Richard Niebling and Ralph Maynard.

SB 81, relative to the penalty of wilful trespass involving forest product and exempting Christmas trees and related forest products from the timber tax law.

The Speaker has appointed Reps. George Barrus, Carol Stomberg, Susan McLane and Jean Wallin.

HOUSE CONCURS IN SENATE AMENDMENTS

HB 370, relative to salaries of full-time justices of district courts.

HB 302, to provide for interest on tax refunds for all taxes administered by the department of revenue administration.

HB 579, amending the interest and dividends tax relative to the rate, method of distribution, and number of exemptions for the elderly or blind.

HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS AND REQUESTS COMMITTEES OF CONFERENCE

HB 590, relative to a return transfer of funds from the division of welfare to the division of mental health.

The Speaker has appointed Reps. Everett Sackett, Theodora Nardi, Patricia Blanchette and Esther Nighswander.

Sen. Sanborn moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Saggiotes, Sanborn and McLaughlin.

HB 608, relative to the responsibilities and reorganization of the division of mental health and making an appropriation therefor.

The Speaker has appointed Reps. Elmer Close, Beatrice, Laycock, Theodora Nardi and Everett Sackett.

Sen. Smith moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Trowbridge, Smith and McLaughlin.

HB 433, to create and provide police powers for the security forces at certain state institutions.

The Speaker has appointed Reps. Milton Cate, Stephen Krause, Margaret Ramsay and Richard Patenaude.

Sen. Smith moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Brown, Monier and McLaughlin.

HB 523, authorizing payment to Merrimack county for services rendered and making an appropriation therefor.

The Speaker has appointed Reps. William Kidder, Max Wiviott, Paul LaMott and Patricia Blanchette.

Sen. Hancock moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Jacobson, Saggiotes and Hancock.

HB 481, amending the charters of certain savings banks.

The Speaker has appointed Reps. James Logan, M. Susan Found, Claire Plomaritis and Bruce Rossley.

Sen. Poulsen moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Poulsen, Smith and Bossie.

HB 455, providing for a special decal on motor vehicle number plates for a person with a walking disability.

The Speaker has appointed Reps. K. Michael Tavitian, Robert Erler, Roger Wallace and Raymond Conley.

Sen. Rock moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Lamontagne, Downing and Gardner.

HB 316, relative to the exemption period for subdivision plat approval.

The Speaker has appointed Reps. Richard Hanson, Anthony Pepitone, Timothy O'Connor and Ezra Mann.

Sen. Monier moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Monier, Jacobson and Preston.

HB 1155, relative to the conveyance of property acquired by a town or city at a tax sale.

The Speaker has appointed Reps. Richard Hanson, John Bednar, Beverly Gage and Neil McIver.

Sen. Poulsen moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Poulsen, Monier and Bossie.

HB 799, including divorce among the events that are reportable to the registrar of vital statistics.

The Speaker has appointed Reps. Geraldine Watson, Donald Smith, Sharon Brody and Robert Dearborn.

Sen. Poulsen moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Brown, Poulsen and Preston.

HB 597, relative to the application and expenditures of federal funds and making an appropriation therefor.

The Speaker has appointed Reps. William Kidder, Michael Hanson, Elaine Lyons, Roderick O'Connor.

Sen. Trowbridge moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Trowbridge, Jacobson and Provost.

HB 1083, relative to time-of-day electric utility rates.

The Speaker has appointed Reps. Malcolm Taylor, Leonard Smith, Sarah Voll and Nancy Proctor.

Sen. Healy moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Sanborn, Lamontagne and Fennelly.

HB 529, relative to reimbursing victims of violent crimes and making an appropriation therefor.

The Speaker has appointed Reps. Josephine Martin, Richard Poulin, Mark Bodi and John Arnold.

Sen. Blaisdell moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Sanborn, Saggiotes and Bosie.

HB 223, requiring all lobbyists to wear a name tag when lobbying in the state house or the legislative building.

The Speaker has appointed Reps. Frederick Aldrich, Richardson Benton, Patricia Russell and Judith Hess.

Sen. Rock moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Rock, Sanborn and Fennelly.

HB 845, revising the access to public records law (RSA 91-A).

The Speaker has appointed Reps. Arthur Perkins, Douglas Aller, Thomas Pappas, and James Carpenito.

Sen. Preston moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Bradley, Brown and Preston.

HB 1128, relative to child support enforcement.

The Speaker has appointed Reps. Roma Spaulding, Helen Wilson, Edward Willey and Elizabeth Goff.

Sen. Lamontagne moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Bradley, Jacobson and Foley.

HB 616, increasing certain fees charged by state agencies.

The Speaker has appointed Reps. Marshall French, Kenneth Smith, Ethel Canney, and Helene Donnelly.

Sen. Smith moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Brown, Sanborn and Downing.

HB 460, amending the formula for computing the elderly real estate tax exemption and providing for local option of the expanded elderly real estate tax exemption based on assessed value.

The Speaker has appointed Reps. Ezra Mann, John Bednar, Roger King, and Roy Davis.

Sen. Monier moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Monier, Lamontagne and Downing.

HB 850, requiring each school district treasurer to pay our monies belonging to the district upon orders of the duly empowered representatives of the school board.

The Speaker has appointed Reps. William Boucher, Betty Jo Taffe, Glyneta Thomas and Peter Hildreth.

Sen. Smith moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Sanborn, Smith and Blaisdell.

HB 536, relating to the business profits tax rate, deductions and method of distribution.

The Speaker has appointed Reps. Susan McLane, Jean Wallin, Conrad Qimby and Richard Ahern.

Sen. Keeney moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Keeney, Bradley and Downing.

HB 96, increasing the appropriation for regional vocational education centers.

The Speaker has appointed Reps. William Boucher, Elaine Krasker, Andrea Scranton and Nelia Woodward.

Sen. Smith moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Smith, Sanborn and Blaisdell.

HB 559, relative to the reorganization of the New Hampshire transportation authority and prohibiting the removal of railroad track related structures.

The Speaker has appointed Reps. John Hoar, Carl Gage, Arlene Wilson and Peter Hildreth.

Sen. Healy moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Poulsen, Rock and Healy.

HB 518, relative to retirement benefits for teachers who retired prior to 1957 and relative to retirement credit for William J. Byrne and making an appropriation therefor.

The Speaker has appointed Reps. Sara Townsend, Leigh Bosse, James Herchek and Margaret Ramsay.

Sen. Trowbridge moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Trowbridge, Saggiotes and Foley.

HB 876, relative to prior service credit of group I members of the retirement system.

The Speaker has appointed Reps. Michael Hanson, Margaret Ramsay, Maura Carroll and Zoe Vrakatitsis.

Sen. Trowbridge moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Trowbridge, Saggiotes and Foley.

HB 601, providing cost of living increases for all retired members of New Hampshire retirement system.

The Speaker has appointed Reps. Sara Townsend, Leigh Bosse, James Herchek and Margaret Ramsay.

Sen. Trowbridge moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Trowbridge, Saggiotes, and Foley.

INTRODUCTION OF HOUSE BILL AFTER THE DEADLINE WITH THE APPROVAL OF 2/3 OF THE JOINT RULES COMMITTEE

First and Second Reading and Referral

HB 1202, making an appropriation for payments to National Guardsmen. To Finance.

SUSPENSION OF RULES

Sen. Trowbridge moved to suspend the rules of the Senate for HB 1202 with respect to notice of public hearing and introduction of a committee report without proper notice in the journal at the present time.

Sen. TROWBRIDGE: Just for the record this is the bill for \$124,000 to pay the National Guardsmen for the duties at seabrook. This is also in the budget and will be picked up by the conference committee and be taken out of the

budget if this is passed today. I recommend its passage. It should have been done a long time ago.

Adopted.

COMMITTEE REPORT

HB 1202, making an appropriation for payments to National Guardsmen. Ought to pass. Sen. Trowbridge for the committee.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to allow HB 1202 be placed on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

HB 1202, making an appropriation for payments to National Guardsmen.

Adopted.

ENROLLED BILLS REPORT

SB 127, relative to vacancies in the office of mayor of Nashua.

SB 145, relative to motor vehicle repair facilities.

SB 148, continuing the public defender system in Merrimack and Hillsborough counties for 2 years and extending the same program to Rockingham county.

SB 164, to amend the charter of St. Mary's-in-the-Mountains.

SB 201, relative to the special license for a passenger vessel operating on state waters.

HB 415, relative to penalties if found intoxicated while hunting and relative to implied consent.

Sen. Lamontagne for the committee.

HOUSE CONCURS IN SENATE AMENDMENTS

HB 326, adopting the provisions of the uniform vehicle code pertaining to the operation of emergency vehicles.

HB 627, prohibiting certain advertising and expenditures by electric and gas utilities.

HB 261, to reimburse the town of Dummer for revenue lost due to the taking of Pontook dam and making an appropriation therefor.

HB 355, regulating health maintenance organizations.

HB 1156, relative to the property tax lien for the elderly and disabled.

HOUSE NONCONCURS IN SENATE AMENDMENT AND REQUESTS A COMMITTEE OF CONFERENCE

HB 596, amending the real estate transfer tax.

The Speaker has appointed Reps. Conrad Quimby, Jean Wallin, Richard Hanson and Norman Marsh.

Sen. Trowbridge moved to accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Jacobson, Brown, Trowbridge and Foley.

Recess.

Out of Recess.

ENROLLED BILLS AMENDMENTS

HB 1149, relative to the preparation of a town budget under the municipal budget act and budgets for counties, school districts and village districts.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 1149

Amend section 2 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

2 Preparation of County Budgets. Amend RSA 24:21-a, I (supp) as inserted by 1975, 136:2 by inserting in line 9 after the word "year." the following (All moneys to be appropriated

Sen. LAMONTAGNE: This amendment corrects an oversight in the amending language of section 2 of the bill.

Amendment adopted.

SB 300, relative to the registration of unauthorized dams.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 300**

Amend RSA 482:2-a as inserted by section 1 of the bill by striking out line 8 and inserting in place thereof the following:

necessary for the public safety. Such work shall be undertaken within a

Amend RSA 482:2-c as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

to such terms and conditions as it deems necessary for the public safety.

Amendment adopted.

SB 226, relative to credit life insurance and credit accident and health insurance.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 226**

Amend section 1 of the bill by striking out lines 2, 3 and 4 and inserting in place thereof the following:

RSA 408-A:2 (2) (supp) as inserted by 1959, 66:1 as amended by striking out said paragraph and inserting in place thereof the following:

Amendment adopted.

HB 282, placing a consumer on the commission of pharmacy and practical chemistry.

Sen. Lamontagne for the committee.

Enrolled Amendment to **HB 282**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Public Member Provided. Amend RSA 318:2 (supp) as amended by striking out said section and inserting in place thereof the following:

318:2 Appointment. There shall be a commission of pharmacy and practical chemistry consisting of 5 members, one of whom shall be engaged full-time in the practice of hospital pharmacy and one of whom shall be a public member representing the interests of consumers who is not a registered pharmacist. All of said members are to be appointed by the governor with the advice and consent of the council for terms of 3 years and until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term.

Amendment adopted.

SB 16, relative to the extent of medical treatment which a licensed podiatrist may perform.

Sen. Lamontagne for the committee.

Enrolled Amendment to SB 16

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT
relative to the practice of podiatry.

Amend RSA 315:4, II, as inserted by section 2 of the bill, by striking out line 2 and inserting in place thereof the following:

continuously in New Hampshire since January 1, 1947, or before, shall

Amend RSA 315:4, II, as inserted by section 2 of the bill by striking out lines 8 and 9 and inserting in place thereof the following:

practicing podiatry or chiropody continuously in New Hampshire since January 1, 1947, or before, from performing surgical procedures if he has been

Amendment adopted.

HB 726, relative to local approval for the development of any public airport.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 726

Amend section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

1 New Paragraph. Amend RSA 422:2 by inserting after paragraph (e) the following new paragraph:

Amendment adopted.

Sen. Monier moved that the Senate now adjourn from the early session that the business of the late session be in order at the present time and that when we adjourn, we adjourn until Monday, June 20, at 11:00 a.m.

Adopted.

Late Session

Sen. Sanborn moved to adjourn at 3:45 p.m.

Adopted.

Monday, June 20

The Senate met at 11:00 a.m.

A quorum was present.

The prayer was offered by Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, we know of no better way of preparing ourselves for the beginning of another week—then through prayer and a rededication of ourselves to Thee.

Bless each member of this body as Thou seest their individual needs. Show us through Thy Life and Example—the ways to overcome the stumbling blocks and pitfalls which still face us.

May wisdom and understanding be ours—as we wrestle with the problems which confront us!

We pray for Thy help, Lord, to do better and to be better!

Amen

Shelby Aisner, Assistant Senate Clerk, led the Pledge of Allegiance.

ENROLLED BILLS AMENDMENTS

SB 71, providing for state assistance to persons suffering from hemophilia and making an appropriation therefor.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 71**

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

providing for state assistance to persons suffering from hemophilia.

Sen. BERGERON: Mr. President, this change in the title deletes the reference on an appropriation that was deleted by a house amendment.

Amendment adopted.

SB 222, authorizing the town of Peterborough to appreciate money and authorize borrowing for water purposes at special town meetings and authorizing the Mountain Lakes district in the town of Haverhill to exceed its debt limit for a certain purpose.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 222**

Amend section 2 of the bill by striking out line 1 and inserting in place thereof the following:

2 Referendum. Section 1 of this act shall not take effect unless it is adopted by a

Amend section 2 of the bill by striking out lines 7 through 10 and inserting in place thereof the following:

article "To see if the town will vote to adopt the provisions of section 1 of an act of the 1977 general court which authorizes the town of Peterborough to appropriate money and authorize borrowing for water purposes at special town meetings." No official ballot shall be used for the

Sen. BERGERON: This amendment clarifies the section 1 of the bill which affects only Peterborough. The remainder of the bill does not affect Peterborough.

Amendment adopted.

ENROLLED BILLS REPORT

HB 149, increasing fees for lobster, clam and oyster licenses, providing a penalty for misuse of lobster and clam licenses and removing the residency waiver for lobster and clam licenses.

HB 261, to reimburse the town of Dummer for revenue lost due to the taking of Pontook dam and to provide for payment of claims to Kenneth M. Beck and Rufus W. Bly and making an appropriation therefor.

SB 139, making an appropriation for office space renovation at the John O. Morton building.

HB 78, increasing the fees for hunting and fishing licenses; revising the fees for members of the armed forces; requiring an agent's special accounting for the period ending June 26, 1977; and making an appropriation therefor.

HB 355, regulating health maintenance organizations.

HB 678, relative to the sale of property in settling estate.

HB 682, relative to the motor vehicle collections by town clerk or other municipal official and providing for the removal of a town clerk of cause.

HB 722, amending the charter of the Union school district of Keene to provide that the trustee of trust funds be appointed by the school board.

HB 754, granting authority to the commissioner of

health and welfare to appoint acting directors of the divisions of the department.

HB 824, providing for tax increment financing for redevelopment projects.

HB 825, providing for a referendum to determine the form of city government for Dover.

HB 853, relative to the distributorship disclosure act.

HB 979, relative to lighting the state house dome from sunset to 2:00 a.m.

HB 1117, providing for the local regulation of excavations.

SB 102, relative to an adult tutorial program and making an appropriation therefor.

SB 103, specifying certain items for the state prison in the 1975 capital budget.

SB 113, providing for a master plan for state land use in the city of Concord.

SB 240, permitting towns to appropriate money for day care centers.

SB 331, relative to rehearings on zoning board of adjustment decisions.

SB 339, relative to withdrawal from the New Hampshire retirement system.

SB 347, providing for additional staff and upgrading certain facilities at Laconia state school and training center and making an appropriation therefor.

SB 370, exempting from tax interest on certain out of state bank deposits and relative to the term of legislative members to the bank advisory board.

SB 56, establishing an adoptive care act.

SB 163, relative to the fee for the renewal of land surveyors' certificates of registration.

SB 219, permitting a town on an optional fiscal year basis to hold a second session of the annual meeting.

SB 242, relative to partnerships, associations and corporations holding an insurance agent's license.

HB 301, relative to timber yield taxes and the bond and debt retirement tax.

HB 342, relative to deputy conservation officers.

HB 408, authorizing savings banks to lend investment

securities and to make prudent investments otherwise prohibited by certain sections of RSA 387.

HB 494, establishing a staggered registration system for motor vehicles and changing registration and municipal permit fees.

HB 649, relative to prostitution and related offenses.

HB 780, relative to certifications required of town and city officials on reports and assurances to state agencies.

HB 926, amending the town charter of Hanover allowing selectmen to establish one or more parking districts.

HB 947, relative to guaranty funds of building and loan associations.

HB 951, relative to the removal of absent town budget committee members.

HB 993, relative to the regulation of the sale of variable contracts and permitting public employees into a deferred compensation plan and authorizing the purchase of insurance and annuity contracts.

HB 1055, prohibiting the Rockingham county attorney from engaging in the private practice of law.

HB 1078, relative to the establishment of a permanent subcommittee on architectural barrier free design of the governor's committee on employment of the handicapped.

Sen. Lamontagne for the committee.

HOUSE NONCONCURS IN SENATE AMENDMENT AND REQUESTS A COMMITTEE OF CONFERENCE

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979.

The Speaker has appointed Reps. Roberts, Tucker, LaMott, Hough, and Normand.

Sen. Blaisdell moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Trowbridge, Saggiotes, and Blaisdell.

JOURNAL CORRECTION

Sen. McLaughlin moved that the Senate Journal be so far corrected as to reflect that HB 567, relative to the New Hampshire retirement system cost of living increases, was properly introduced and referred to Finance.

Adopted.

Sen. Monier moved that the Senate recall HB 1104.

Adopted.

HB 1104, changing the penalty for failure to file user of fuel reports with the road toll section.

Sen. Monier moved that HB 1104 be placed on third, then second reading at the present time.

Adopted.

Sen. Monier moved to lay HB 1104 on the table.

Adopted.

Sen. Monier moved to take HB 1104 from the table.

Adopted.

Sen. MONIER: This is from Mr. Bednar who is the sponsor. The intention of the sponsors of HB 1104 was to give the Director in his discretion for good cause shown the authority to abate any underlined penalty so assessed but not any toll. And the word toll is in the final bill. This is consistent with the language of RSA 265:12 with respect to tolls and penalties required to be paid by the distributors and the director is authorized to waive the penalty and interest. Consequently HB 1104 should have been amended so that the sentence on line 7 reads as follows: "the director in his discretion for good cause shown may abate any penalty or interest so assessed." The pre-

sent bill as it was on the governor's desk reads "any toll" and I feel we got a wrong steer from legislative services in their intent. So at this time I would like to recall the bill for the express purposes.

Sen. Monier moved an amendment to HB 1104.

Floor Amendment to HB 1104

Amend RSA 265:22, IV-a, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

IV-a. When any user shall fail to file his quarterly reports within the time specified in paragraph IV, a penalty of \$10 for each month or fraction thereof which has elapsed between the prescribed filing date and the date of actual filing shall be assessed and when any user shall fail to pay the amount of road tolls due when the same shall be payable, said road toll shall bear interest at the rate of $\frac{1}{2}$ percent per month until the same is paid. The director, in his discretion and for good cause shown, may abate any penalty or interest so assessed. All applications for abatement shall be in writing. If the director neglects or refuses so to abate, any person aggrieved, having complied with the requirements of RSA 265:22, IV, may appeal by written application to the commissioner of safety and said commissioner shall make such final order thereon as justice requires.

Sen. MONIER: What you have in front of you is the total bill. The amendment is the total bill and if you will look down on the fifth line up it says: The Director, in his discretion and for good cause shown, may abate any penalty or interest so assessed. The current bill as it was into the governor reads: The director, in his discretion and for good cause shown, may abate any toll. And that is the correction. So we have substituted any penalty or any interest so assessed and have stricken out the word toll.

Amendment adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Monier moved that the rules of the Senate be so far suspended as to allow HB 1104 be placed on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

HB 1104, changing the penalty for failure to file user of fuel reports with the road toll section.

Adopted.

Recess.

Out of recess.

ENROLLED BILLS AMENDMENT

HB 207, relative to hunting with bow and arrow.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 207

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect at 12:01 a.m., June 26, 1977.

Sen. LAMONTAGNE: Mr. President this amendment makes an effective date one minute later than the effective date of HB 78 to conform with the legislative intent of RSA 2085 as amended by this bill will be the governing version.

Amendment adopted.

SB 205, exempting certain motor vehicles and building equipment from public highway weight, height and width limitations.

Sen. Lamontagne for the committee.

Enrolled Amendment to SB 205

Amend RSA 263:62-a as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

RSA 263:65.

Sen. LAMONTAGNE: This amendment corrects an inadequate citation in RSA 263 and 62a.

Amendment adopted.

HB 681, relative to the disposition of municipal records.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 681

Amend section 6 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

after section 67 the following new section:

41:68 Unauthorized Destruction; Penalty. All municipal records as de-

Sen. LAMONTAGNE: This amendment rennumbers a new RSA section as a result of the passage of HB 280.

Amendment adopted.

SB 207, relative to foreclosure sales.

Sen. Lamontagne for the committee.

Enrolled Amendment to SB 207

Amend RSA 479:27-a as inserted by section 3 of the bill by striking out line 3 and inserting in place thereof the following:

on personalty situated on the mortgaged premises, the mortgagee may, at his

Sen. LAMONTAGNE: This amendment makes a grammar correction in the position relating to the mortgage personnel property.

Amendment adopted.

SB 330, relative to protests in zoning ordinance change.

Sen. Lamontagne for the committee.

Enrolled Amendment to SB 330

Amend section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

RSA 31:64 as amended by striking out said section and inserting in place thereof the following:

Sen. LAMONTAGNE: This amendment corrects a source note error in the amending language of section 1 of the bill.

Amendment adopted.

**HOUSE MESSAGES
HOUSE CONCURS IN SENATE AMENDMENTS**

HB 670, relative to counting ballots at elections.

HB 1185, concerning purity of elections.

HB 652, relative to the sealing and certifying of ballots.

HOUSE ACCEDES TO SENATE REQUESTS FOR COMMITTEES OF CONFERENCE

SB 369, authorizing the town of Littleton to exceed its bonded indebtedness to cover present indebtedness of the Littleton water and light department.

The Speaker has appointed Reps. Mann, Pepitone, LaMott and King.

SB 366, establishing a 5 member oversight committee to recodify the election laws and making an appropriation therefor.

The Speaker has appointed Reps. Conley, Kidder, Randall and Rice.

SB 350, authorizing games of chance at agricultural fairs and nonprofit fundraising activities and permitting local officials to receive reports of beano games.

The Speaker has appointed Reps. Cunningham, Lemire, W. Bridges and A. Gordon.

SB 334, relative to the transfer of the Manchester and Nashua policemen to the N.H. retirement system and making an appropriation therefor.

The Speaker has appointed Reps. Trachy, G. Watson, M. Carroll and P. Dion.

SB 276, concerning the penalties for using unapproved insurance policy forms.

The Speaker has appointed Reps. Parker, W. Lefavour, L. Boucher, and C. Plomaritis.

SB 50, increasing the salaries of and establishing a code of ethics for the public utilities commission, increasing the unclassified staff of said commission and making an appropriation therefor.

The Speaker has appointed Reps. Close, Trachy, French and Laycock.

SB 85, relative to the authority to levy tolls on the eastern N.H. turnpike, the central N.H. turnpike, and the N.H. turnpike system.

The Speaker has appointed Reps. Keller, J. White, R. Galloway and C. Cummings.

SB 236, relative to a single retirement rate, service retirement benefits and vested rights under the New Hampshire retirement system.

The Speaker has appointed Reps. L. Bossie, M. Hanson, J. Herchek and M. Carroll.

SB 114, authorizing the inclusion of dog races in sweepstakes and drawings conducted by the sweepstakes commission and making an appropriation therefor.

The Speaker has appointed Reps. Cunningham, J. Humphrey, A. Gordon and A. Valliere.

SB 26, authorizing state employees' participation in the present incentive award program for selling sweepstakes tickets.

The Speaker has appointed Reps. Cunningham, Sanborn, W. Desmarais, and R. Morin.

SB 337, relative to family day care.

The Speaker has appointed Reps. H. Wilson, Lynch, M. Townsend and Appleby.

SB 289, relative to the issuance of licenses to operators of golf, indoor tennis, racquet and curling clubs.

The Speaker has appointed Reps. D. Thompson, J. Humphrey, R. Duhaime and B. Morin.

The Chair appointed Senators Brown, Jacobson, and Downing to the special committee to plan for a re-enactment of the Battle of Bennington.

The Chair appointed Senators Brown, Jacobson and Bergeron to the Fact Finders Study Committee.

Recess.

Out of recess.

HOUSE MESSAGE

HOUSE NONCONCURS IN SENATE AMENDMENT AND REQUESTS A COMMITTEE OF CONFERENCE

HB 197, relative to open pit burning in towns of less than 2,500 population.

The Speaker has appointed Reps. Greene, Campbell, Corser and Stomberg.

Sen. Monier moved to accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Monier, Poulsen and Hancock.

Recess to the call of the Chair at 2:20 p.m. on June 20th, 1977.

Out of Recess.

Sen. Saggiotes in the Chair.

ENROLLED BILLS REPORT

HB 1202, making an appropriation for payments to National Guardsmen.

Sen. Lamontagne for the committee.

Sen. Monier moved to lay the Enrolled Bills

Report in regard to HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems

under RSA 149-E and making an appropriation therefor and relative to the licensing of accountants on the table.

Adopted.

ENROLLED BILLS AMENDMENTS

SB 229, revising the laws of corporations.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 229**

Amend the bill by striking out sections 19 and 31 and renumbering sections 20 through 40 to read as

19 , 20 , 21 , 22 , 23 , 24 , 25 , 26 , 27 , 28 , 29 , 30 , 31 , 32 , 33 , 34 , 35 , 36 , 37 and 38 , respectively.

Sen. BERGERON: Mr. President, this amendment strikes out two sections of the bill, section 19 is superseded to a later amendment to the bill which includes the content of the stricken section plus additional provisions. Section 31 repeals a section of RSA which was subsequently later amended in the amendment to the bill.

Amendment adopted.

SB 53, relative to vanpooling.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 53**

Amend section 2 of the bill by striking out line 4 and inserting in place thereof the following:

and in which the operating costs and a reasonable vehicle depreciation cost for such vehicle are paid principally by

Sen. BERGERON: This amendment corrects an omission in the amending language of section 2 of the bill.

Amendment adopted.

SB 193, permitting public service as an alternative sentence for conviction of certain crimes.

Sen. Bergeron for the committee.

Enrolled Amendment to SB 193

Amend section 1 of the bill by striking out line 3 and inserting in place thereof the following:

VI-a. A person convicted of a violation of RSA 634:2 or of RSA 644:3 may be

Sen. BERGERON: This amendment corrects an error in numbering the new paragraph inserted by section 1 of the bill.

Amendment adopted.

SB 177, relative to preventive measures for forest and brush fires.

Sen. Bergeron for the committee.

Enrolled Amendment to SB 177

Amend section 16 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

16 Penalty. Amend RSA 224:36 (supp) as amended by striking out said section and inserting in place thereof the following:

Amend RSA 224:44-c as inserted by section 19 of the bill by striking out line 11 and inserting in place thereof the following:

come and employment for our citizens.

Sen. BERGERON: Mr. President, these amendments correct an error in the source note in the amending language of section 16 and a grammatical error in section 19.

Amendment adopted.

HB 131, providing a different method of collecting penalties due the state for late certification filing of certain tax information.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 131

Amend RSA 41:15-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

41:15-a Penalty. If the certifications required by RSA 41:15 are not made to the department of revenue administration on or before October 1, unless the time is extended by the department of revenue administration for just cause, the town for which the selectmen act shall pay to the state for its use the sum of \$5 for each day's delay in making certification. The department of revenue administration shall notify each town of the total amount of penalty due and, if any town neglects for more than 30 days to pay the sum due, then the department of revenue administration shall instruct the state treasurer's office to withhold the sum due from moneys due to the town from the state. The provisions of RSA 44:2 shall apply to this section.

Sen. BERGERON: Mr. President this amendment changes department of revenue to department of revenue administration in four places.

Amendment adopted.

HB 386, relative to liens on vessels, boats, and vessel or boat motors.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 386

Amend RSA 450-A:4 as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

shall be given in accordance with RSA 444:3 and 4; and, in addition, a written

Sen. BERGERON: Mr. President this amendment corrects an incorrect citation in RSA 450-84 and corrects punctuation errors.

Amendment adopted.

HB 459, relative to septic tank information for property buyers.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 459

Amend RSA 149-E:3, I-a as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

or waste disposal system constructed after this paragraph takes effect shall be

Sen. BERGERON: Mr. President this amendment corrects an ambiguous reference to the effective date of the new paragraph.

Sen. BERGERON: Mr. President this amendment clarifies the legislative intent of the penalties section as to subsequent offenses committed during the same calendar year.

Amendment adopted.

SB 251, relative to the housing finance agency.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 251**

Amend section 1 of the bill by striking out line 4 and inserting in place thereof the following:

204-B:3 Organization of Agency. The powers of the agency shall be vested in 5

Amend section 2 of the bill by striking out line 8 and inserting in place thereof the following:

the penal sum of not less than \$50,000. Such surety bond or bonds shall be

Sen. BERGERON: Mr. President this amendment inserts and corrects a typographical error in section 2.

Amendment adopted.

SB 185, relative to penalties for violation of fish and game offenses and repealing the taking of trout less than 6 inches in length.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 185**

Amend section 2 of the bill by striking out line 6 and inserting in place thereof the following:

the first offense. For any subsequent offense committed during the same calendar.

Amendment adopted.

SB 174, relative to placing a neglected child under the supervision of the director of the division of welfare.

Sen. Bergeron for the committee.

Enrolled Amendment to SB 174

Amend RSA 169:10 as inserted by section 2 of the bill by inserting in line 4 after the word "disposition." the following:

Any child placed under this section with someone other than a relative or in a public institution shall be placed only in a facility, foster home, group home or similar home or facility that is licensed pursuant to RSA 170-E.

Amendment adopted.

HOUSE CONCURS IN SENATE AMENDMENTS

HB 302, to provide for interest on tax refunds for all taxes administered by the departments of revenue administration.

HB 582, providing for additional state revenue.

HB 270, relative to certain capital improvement appropriations for the aeronautics commission and the water resources board.

HB 1044, relative to the public employee labor relations law.

HB 1185, concerning purity of elections.

HB 1134, making the person chargeable by law for a child's support and necessities primarily liable for the expenses of a neglected or delinquent child or person in need of supervision.

HB 579, amending the interest and dividends tax relative to the rate, method of distribution, and number of exemptions for the elderly or blind.

HB 575, increasing the appropriation from \$6,000 to \$10,000 for a continuing boat fund administered by the department of revenue administration.

HB 553, relative to search and rescue operations; establishing a search and rescue review board and making an appropriation therefor.

HB 652, relative to the sealing and certifying of ballots.

HB 670, relative to counting ballots at elections.

HB 370, relative to salaries of full-time justices of district courts.

HOUSE NONCONCURS IN SENATE AMENDMENTS AND REQUESTS COMMITTEES OF CONFERENCE

HB 757, relative to the designation of office on ballots.

The Speaker has appointed Reps. Conley, Bednar, Flanagan, and Rice.

Senator Hancock moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Jacobson, Monier and Hancock.

HB 838, requiring the secretary of state to notify all persons of write-in nominations for the house of representatives.

The Speaker has appointed Reps. Conley, Fortier, Randall and McAvoy.

Senator Hancock moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Jacobson, Monier and Hancock.

HB 1184, relative to a temporary absence from residence and its effect on voting rights.

The Speaker has appointed Reps. Conley, Randall, Flanagan and Rice.

Senator Monier moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Jacobson, Monier and Hancock.

HB 1188, concerning membership of the ballot-law commission.

The Speaker has appointed Reps. Conley, Carswell, McAvoy and MacDonald.

Senator Hancock moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Jacobson, Monier and Hancock.

HB 1186, relative to legal voters.

The Speaker has appointed Reps. Conley, K. Randall, Flanagan and Rice.

Senator Monier moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Jacobson, Monier and Hancock.

Sen. Blaisdell moved that **SB 307** be taken from the table.

Adopted.

SB 307, relative to deceased funeral directors.

Sen. Blaisdell moved an amendment to **SB 307**.

Amendment to **SB 307**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Widows or Widowers to Continue Funeral Business.

Amend RSA 325:37 by inserting in line 7 after the word "determine." the following (The widow or widower of a licensed funeral director or the wife or husband of one who is incapacitated may continue to administer his or her business providing she or he employs a person who holds the required certificate or certificates, has passed such examinations as the board requires to engage in funeral directing and holds a certificate of registration from the board.) so that said section as amended shall read as follows:

325:37 Deceased Funeral Director. The board may by a special rule or by regulation permit the continuance of the business of a deceased funeral director duly registered as such by the board, under the active supervision of a person or persons holding the required certificate or certificates, for the benefit of the widow or widower and family, for the estate or for persons interested in the estate of the decedent during such a period of time and in such manner and under such conditions as the board may determine. The widow or widower of a licensed funeral director or the wife or husband of one who is incapacitated may continue to administer his or her business providing she or he employs a person who holds the required certificate or certificates, has passed such examinations as the board requires to engage in funeral directing and holds a certificate of registration from the board.

Sen. BLAISDELL: Mr. President, you have the amendment before you. All this does is change one word. One word from operate to administer. That is all we ask.

Amendment adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Blaisdell moved that the rules of the Senate be so far suspended as to allow **SB 307** be placed on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

SB 307, relative to decreased funeral directors.

Adopted.

HOUSE REQUESTS CONCURRENCE IN AMEND-
MENT

SB 371, to repeal charters of certain corporations.

Senator Brown moved that the Senate concur with the amendment.

Adopted.

See House Record. pg. 2974

INTRODUCTION OF SENATE RESOLUTION NO. 7
First and Second Reading and Referral

Senate Resolution No. 7

commending Specialist Five Rosaire Albert Cote.

Whereas, Rosaire Albert Cote is a specialist five in the New Hampshire Army National Guard; and

Whereas, on June 14, 1976, upon seeing that two members of his unit needed aid and upon realizing that said members of his unit may have been victims of an electrical shock, Specialist Five Cote went to the aid of the two victims, administering mouth to mouth resuscitation to one, instructing another member of his unit to administer cardiac pulmonary resuscitation and employing prompt and correct first aid; and

Whereas, as a result of Specialist Five Cote's actions, the life of one of the victims was saved; now, therefore, be it

Resolved by the Senate:

That the Senate commends Specialist Five Rosaire Albert Cote for his quick thinking and actions in saving the life of his fellow soldier; and

That a copy of this resolution shall be sent to Specialist Five Rosaire Albert Cote. To Rules.

SUSPENSION OF RULES

Sen. Rock moved that the rules of the Senate be so far suspended as to allow a committee report on SR No. 7 without notice of a public hearing and not previously advertised in the journal.

Adopted.

SR 7, commending Specialist Five Rosaire Albert Cote.

Ought to pass. Sen. Lamontagne for the committee.

Sen. LAMONTAGNE: Mr. President, this resolution that I have asked in the senate is because Rosaire Albert Cote has never been recognized in 1976 for what he had done when he was serving in the National Guard, he saved a life of one of his colleagues and this is the reason why this resolution is being presented at this time to recognize of the good that he has done in saving this life.

Adopted.

INTRODUCTION OF SENATE RESOLUTION NO. 8 First and Second Reading and Referral

Senate Resolution No. 8

petitioning the United States Forest Service relative to a gate near South pond in the town of Stark.

Whereas, the citizens of the state of New Hampshire are desirous of a more adequate public access to South pond in the town of Stark, New Hampshire; and

Whereas, the United States Forest Service of the Department of Agriculture owns and maintains a road which connects New Hampshire Route 110 with a public bathing area on the west side of said South pond; and

Whereas, said road provides only limited access to South pond due to a gate maintained by the United States Forest Service approximately one mile from New Hampshire Route 110; and

Whereas, the relocation of the subject gate to a point near the public bathing area would allow unrestricted use of the United States Forest Service road; and

Whereas, the elimination of this restriction would allow the New Hampshire Department of Public Works and Highways to construct an adequate public boat launching ramp and parking area at a location immediately north of the United States Forest Service facility on the west side of South pond; now, therefore, be it

Resolved by the Senate:

That the Senate of the state of New Hampshire hereby petitions the United States Forest Service of the Department of Agriculture for a full review and evaluation of the adequacy of public access at South pond in Stark, New Hampshire with the hope that as a result of this review, the federal agency will relocate the existing gate to a more suitable location, so that an appropriate public launching ramp can be constructed by the state of New Hampshire; and

That copies of this resolution shall be forwarded to the Secretary of the Department of Agriculture, the Chief of the United States Forest Service and the New Hampshire Congressional Delegation. To Rules.

SUSPENSION OF RULES

Sen. Rock moved that the rules of the Senate be so far suspended as to allow a committee report on SR No. 8 without notice of a public hearing and not previously advertised in the journal.

Adopted.

SR No. 8, petitioning the United States Forest Service relative to a gate near South pond in the town of Stark.

Ought to pass. Sen. Lamontagne for the committee.

Sen. LAMONTAGNE: Mr. President, members of the senate, this resolution does not have any appropriation, and does not compel the Public Works Department to vote or not vote on South Pond. The only thing this resolution does is that it asks the congressional delegation to get the department to move a gate. If this gate were moved and it would save about \$10,000 which is confusing some of the Senators. This is under a state statute of building boat landings. It has nothing to do with ordering the Public Works Department to do anything-. The only thing this resolution does is ask to move a gate and that is all the resolution does.

Sen. SAGGIOTES: Is this over 10 acres?

Sen. LAMONTAGNE: I don't know, the only thing I know is that South Pond is in the forestry area.

Sen. SAGGIOTES: But if it is over 10 acres it must have a public area. Is that what you are telling us?

Sen. LAMONTAGNE: The pond is a small state pond and there is no boat landing and there were times that the land commission held a hearing up in Berlin and the residents of South Pond voted the big pond and the little pond voted against a boat landing because of being against the boat landing the fish and game stopped stocking the pond. Those ponds have not been stocked for six years and they will not be stocked unless there is a boat landing made available for the general public. This resolution has absolutely nothing to do with creating a boat landing. The only thing and I'll repeat myself again, the only thing this resolution does is ask the congressional delegation to contact the forestry division and order them to move a gate. That is all this does.

Sen. GARDNER: They are passing around that \$10,000 in the budget can be used for this.

Sen. LAMONTAGNE: The boat landing in South Pond, the commission, appointed by the governor and council and had agreed to build the boat landing on the opposite side and therefore it would have cost about \$10,000. Then later on there were some residents who showed us a

shorter way to get to the pond but we would have to have permission from the forestry department to move the gate before we could put the boat landing in. So this is the only thing now that we are asking, move this gate.

Sen. ROCK: Senator I think you have answered the question but let me see if I can phrase it in another way so that there won't be any doubt in anybody's mind. As I read the resolution, it is resolved by the senate: That the senate of the state of New Hampshire hereby petitions the United States Forest Service of the Department of Agriculture for a full review and evaluation of the adequacy of public access at South Pond in Stark, New Hampshire with the hope that as a result of this review, the federal agency will relocate the existing gate to a more suitable location, so that an appropriate public launching ramp can be constructed by the state of New Hampshire. Really what you are doing is petitioning them to just review and evaluation the situation?

Sen. LAMONTAGNE: Yes.

Sen. ROCK: If they review it and they find that it is feasible then the federal agency will relocate the gate to a better location so that a launching ramp can be constructed but it doesn't say that a launching ramp shall be constructed, it merely says that if they relocate the gate then the ramp can be constructed. So there is no money spent?

Sen. LAMONTAGNE: And Senator if it is rejected then the boat landing commission will build the boat landing on the opposite side which would cost about \$10,000.

Sen. ROCK: If they move the gates as a result of the review and evaluation, who would pay for that boat landing and how much would it cost?

Sen. LAMONTAGNE: That would come under governor and council.

Sen. ROCK: So we are really saving money if the review is done but in any event SR 9 doesn't appropriate any money, doesn't spend any money, doesn't cost any money, it is a little needle for our congressional committee?

Sen. PROVOST: Senator you say it costs \$10,000 on

that side of the pond and it won't cost nothing on this side?

Sen. LAMONTAGNE: It will cost about \$1,000 because the road is already built.

Sen. BERGERON: Senator Lamontagne, how big is South Pond?

Sen. LAMONTAGNE: I would say at least 4 or 5 miles long.

Sen. BERGERON: Senator, I have no feelings about petitioning, but also in the resolution and I think it says whereas the elimination of this restriction would allow the New Hampshire department of public works and highways to construct an adequate public boat launching ramp and parking area. Now senator I believe you said the total cost of this was \$1000. How can you construct an adequate public boat launching ramp and parking area for \$1000?

Sen. LAMONTAGNE: Because the area is such a short distance if you do it this way. But if you do it the way the commission says, it is not only the building of it but at that same time when the road is turned back to the town, the town would have to take care of a piece of road that must be about 3 miles long.

Sen. BERGERON: 3 miles of road for \$1000?

Sen. LAMONTAGNE: If the gate were moved, there is already a black top and it leads to the picnic area. The only thing that you have to do is move the gate.

Sen. BERGERON: After we pass this resolution and it goes on its merry way, where is the money coming from to do this work?

Sen. LAMONTAGNE: The money would come out of appropriations for boat landings that you have throughout the whole state of New Hampshire, which is the commission appointed by governor and council.

Sen. BERGERON: Out of the budget?

Sen. LAMONTAGNE: It is appropriated every year.

Sen. BERGERON: Out of the budget?

Sen. LAMONTAGNE: No it is not in the budget, it is an appropriation that the Highway Department has every year.

Sen. BERGERON: Senator wouldn't it make much more sense whether it was \$10,000 or \$1000 sitting in a kitty over there, we heard you on several occasions get up on the floor of this body and make mention of the fact that there is no money to hire temporary employees to man substations and I can start, wouldn't it make more sense to take that money and put it to use where the people of the state of New Hampshire could get some use out of it?

Sen. LAMONTAGNE: Well Senator if that is the case then you better start looking at some of these laws that we have on the books that we have had for years. This is nothing new. This is recreation that has been appropriated and public works department has been using. Now there is so much of the federal funds that I would rather, the highway funds that are being used to take care of boat landings or recreation use.

Sen. BLAISDELL: Will there be a public hearing afterwards if this should happen? Don't you have public hearings before you put in these landings?

Sen. LAMONTAGNE: No necessary to have a public hearing to build the only thing that the congressional delegation will do is to contact the forestry department.

Sen. BLAISDELL: It says here that the state of New Hampshire shall build a boat landing, construct a boat landing. Will there be a public hearing on that, that's what I want to know?

Sen. LAMONTAGNE: There is already a public hearing that has been heard.

Sen. BLAISDELL: And what was the result of that public hearing?

Sen. LAMONTAGNE: The public hearing was in favor of the boat landing. In fact we had two public hearings and under the law it was necessary to have a public hearing. We already had a public hearing to have the boat landing on the opposite side. But the land damage commission figured that it could save the state of New Hampshire, the highway funds, a sum if the gate was moved. The commission has no right because this is on forest land, owned by the federal government and that is the problem.

Sen. BLAISDELL: Explain to me Loggie, why it was moved from one side to the other.

Sen. LAMONTAGNE: On the opposite side you would have to go in front of all the camps. That is where the road leads to the boat landing that had originally been approved by the land damage commission. Now we have found by the residents that camp up in South Pond who have showed us an easier way to put the boat landing at less cost. By us using a forestry road which is blacktop, to the rest area and the gate is 400 feet away, would need to be moved.

Sen. HANCOCK: Mr. President, members of the senate, I think that I support the resolution but I think that what it really does is point out need for an adequate access to public waters program on behalf of the state of New Hampshire. As it is now it is a haphazard program with insufficient appropriation on behalf of the highway department, the setting up of access commissions and insufficient money to pay for the landings once they are built. Once they are built the difficulty is that the cities and towns in which they are located have to pick up the tab. However, in this case I think the objection was that the federal government would have to pick up the maintenance on the road and that was their objection so I would think that if we do memorialize and think about it and to give it some consideration certainly it is worth a try and I support the resolution.

Adopted.

Recess.

Out of Recess.

INTRODUCTION OF SENATE RESOLUTIONS NO. 9 and 10

First and Second Reading and Referral

Senate Resolution No. 9

requesting an opinion of the justices.

Whereas, there is currently pending before the Senate House Bill 1096 establishing and funding a highway transportation fund to aid the elderly and handicapped; and

Whereas, House Bill 1096 proposes to create a highway transportation fund in which shall be deposited increased fees for inspection stickers and certificates of title; and

Whereas, Part 2, Article 6-a of the Constitution of New Hampshire restricts the use of certain revenues; now, therefore, be it

Resolved by the Senate, that the Justices of the Supreme Court be respectfully requested, upon this solemn occasion, to give their opinion upon the following important question of law;

Would the constitutional restriction on the use of certain revenues related to motor vehicles be violated by the establishment and funding of the highway transportation fund as proposed in House Bill 1096 as amended?

Be it further resolved, that the clerk transmit 10 copies of this resolution and of House Bill 1096 as amended to the Clerk of the Supreme Court for consideration by the Court. To Rules.

Senate Resolution No. 10

requesting an advisory opinion of the justices on House Bill 439.

Whereas, there is pending in the Senate, House Bill Number 439, "An Act authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage; establishing the New Hampshire Oil Pollution Control Fund; and making an appropriation therefor"; and

Whereas, doubt has been expressed as to the constitutionality of the provisions of said bill; now, therefore, be it

Resolved by the Senate, that the justices of the supreme court be respectively requested to give their opinion on the following important questions of law:

1. Can the general court within the provisions of the constitution of New Hampshire enact a statute as pro-

posed by House Bill 439, which provides for the establishment of an oil pollution control fund to be funded by license fees, penalties or other fees and charges generated by the chapter as well as any federal or other funds which are made available for the purposes of oil pollution control?

2. Can the general court impose a contingent annual license fee on an operator of an oil terminal facility having a storage capacity in excess of 500 barrels, within the framework of the provisions of the constitution of New Hampshire?

3. Would the provisions of this bill impose any unwarranted restrictions on interstate commerce in violation of the commerce clause of the constitution of the United States?

4. Would any provision of the constitution of the United States or of this state be violated by the provisions of this bill?

Further resolve that the clerk of the Senate be instructed to transmit to the clerk of the supreme court 6 copies of this resolution and 6 copies of House Bill 439 as amended by the Senate Finance Committee. To Rules.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS

HB 1104, changing the penalty for failure to file user of fuel reports with the road toll section.

HB 640, relative to the regulation of physical therapists.

HB 870, to provide for the use of interpreters for the deaf for all administrative and judicial proceedings in which deaf persons are involved and relative to hearing dogs.

HB 542, relative to a state-wide solid waste management program.

HB 1060, legalizing certain action taken by the town meeting in the town of Durham and certain action taken by the school district meeting in the city of Lebanon.

HOUSE ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

SB 335, to finance a study of graphic arts and making an appropriation therefor.

The Speaker has appointed Reps. M. French, Stimmell, Close and Carroll.

SB 171, relative to dredge and fill and the location and certain specifications of wharves and piers.

The Speaker has appointed Reps. Dickinson, N. Gagnon, Schreiber and Ladd.

SB 334, relative to the transfer of the Manchester and Nashua policemen to the New Hampshire retirement system and making an appropriation therefor.

The Speaker has appointed Reps. Trachy, G. Watson, Carroll and L. P. Dion.

HOUSE NONCONCURS IN SENATE AMENDMENTS AND REQUESTS A COMMITTEE OF CONFERENCE

HB 1191, making appropriations for capital improvements.

The Speaker has appointed Reps. Marshala, Griffin, Cummings and James J. White.

Senator Sanborn moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Sanborn, Smith and McLaughlin.

COMMITTEE OF CONFERENCE REPORTS

Committee of Conference Report On HB 187

The committee of conference to which was referred House Bill 187, An Act amending the penalty provisions of the mobile home park law, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. David H. Bradley, Dist. 5; Phyllis M. Keeney, Dist. 14; Eileen Foley, Dist. 24.

Conferees on the Part of the House: Reps. Douglas J. Aller, Rock. 13; James W. Carpenito, Rock. 5; Alexander P. Lewko, Sull. 6; Mark M. Bodi, Merri. 7.

Sen. Keeney moved to adopt the committee of conference report on HB 187.

Adopted.

Committee of Conference Report On HB 787

The committee of conference to which was referred House Bill 787, An Act relative to mental health evaluations of minors before the juvenile court, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. David Bradley, Dist. 5; Phyllis M. Keeney, Dist. 14; Robert F. Bossie, Dist. 20.

Conferees on the Part of the House: Reps. Josephine C. Martin, Hills. 10; Kenard F. Ayles, Merr. 8; James W. Carpenito, Rock. 5; Thomas J. Pappas, Hills. 18.

Sen. Keeney moved to adopt the committee of conference report on HB 787.

Adopted.

Committee of Conference Report On HB 223

The committee of conference to which was referred House Bill No. 223, An Act requiring all lobbyists to wear a name tag when lobbying in the state house or the legislative office building, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. Alan Rock, Dist. 12; William Sanborn, Dist. 17; Robert Fennelly, Dist. 21.

Conferees on the Part of the House: Reps. Zoe Vrakatis, Ches. 12; Richardson D. Benton, Rock. 2; Patricia T. Russell, Ches. 13; Judith Ann Hess, Merr. 6.

Sen. Fennelly moved to adopt the committee of conference report on HB 223.

Adopted.

Committee of Conference Report on HB 676

The committee of conference to which was referred House Bill No. 676, An Act relative to the burden of proof in hearings on pre-judgment attachment, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurr-

ence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. David H. Bradley, Dist. 5; Alf E. Jacobson, Dist. 7; Robert Bossie, Dist. 20.

Conferees on the Part of the House: Reps. Philip R. Currier, Hills. 15; Daniel A. Eaton, Ches. 11; Josephine C. Martin, Hills 10; James Kaklamanos, Hills. 21.

Sen. Bradley moved to adopt the committee of conference report on HB 676.

Adopted.

Committee of Conference Report On HB 609

The committee of conference to which was referred House Bill No. 609, An Act establishing public guardian offices, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. David H. Bradley, Dist. 5; Robert B. Monier, Dist. 9; Eileen Foley, Dist. 24.

Conferees on the Part of the House: Reps. Douglas J. Aller, Rock. 13; James W. Carpenito, Rock. 5; Josephine C. Martin, Hills. 10; Dianne Herchek, Straf. 16.

Sen. Bradley moved to adopt the committee of conference report on HB 609.

Adopted.

Committee of Conference Report On HB 856

The committee of conference to which was referred House Bill 856, An Act relative to the inspection of used motor vehicles offered for sale by retail dealers, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. Andrew W. Poulsen, Dist. 2; Laurier Lamontagne, Dist. 1; Robert Fennelly, Dist. 21.

Conferees on the Part of the House: Reps. John B. Morgan, Hills. 3; Harold W. Burns, Coos 4; Robert E. Plourde, Merr. 7; M. Susan Found, Carr. 2.

Sen. Fennelly moved to adopt the committee of conference report on HB 856.

Adopted.

Committee of Conference Report On HB 876

The committee of conference to which was referred HB 876, An Act relative to prior service credit of group I members of the retirement system, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. C. R. Trowbridge, Dist. 11; James A. Saggiotes, Dist. 8; Eileen Foley, Dist. 24.

Conferees on the Part of the House: Reps. Michael C. Hanson, Belk. 5; Margaret A. Ramsay, Ches. 5; Maura Carroll, Merr. 19; Zoe Vrakatitsis, Ches. 12.

Sen. Monier moved to adopt the committee of conference report on HB 876.

Adopted.

HB 756, relative to acceptance of petitions by the planning board.

Sen. Monier moved that the Senate nonconcur with the committee of conference report on HB 756 and request a new committee of conference.

Sen. MONIER: I asked that we nonconcur with this report. I have already talked with Representative Hanson on this and it is an agreed upon thing. It is the only way to do this. There is a part left out of it, nobody knows why, we just want to hold it again.

Adopted.

The Chair appointed Sens. Monier, Poulsen and Preston.

Committee of Conference Report On HB 227

The committee of conference to which was referred House Bill No. 227, An Act relative to procedures for appointment and removal of the deputy commissioner of safety, having considered the same, report the same with the following recommendations:

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sens. Robert B. Monier, Dist. 9; Andrew W. Poulsen, Dist. 2; Clesson J. Blaisdell, Dist. 10.

Conferees on the Part of the House: Reps. Sarah M. Townsend, Sull. 1; Geraldine G. Watson, Hills. 13; Beatrice M. Laycock, Rock 5; L. Penny Dion, Hills. 21.

Sen. Monier moved to adopt the committee of conference report on HB 227.

Adopted.

Committee of Conference Report On HB 760

The committee of conference to which was referred House Bill 760, An Act authorizing the trustees of the New Hampshire retirement system to delegate the power to make investment decision, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 100-A:15, I-a, as inserted by section 2 of the bill, by striking out same and inserting in place thereof the following:

I-a. The board of trustees has full power and authority to delegate to any agent within or without the state, who may or may not be the custodian of stocks and securities, the power and discretion to make decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to effect decisions by or on behalf of the New Hampshire retirement system with the same legal effect as if performed by the board of trustees of the New Hampshire retirement system. The board of trustees has the power to authorize the payment of compensation to an agent for management services.

Conferees on the Part of the Senate: Sens. Robert B. Monier, Dist. 9; Andrew W. Poulsen, Dist. 2; Robert F. Preston, Dist. 23.

Conferees on the Part of the House: Reps. John Hoar, Jr., Rock. 8; Kenneth M. Tarr, Merr. 17; Leigh D. Bosse, Hills. 1; Sharon E. Brody, Hills. 24.

Sen. Monier moved to adopt the committee of conference report on HB 760.

Adopted.

Committee of Conference Report On HB 741

The committee of conference to which was referred House Bill No. 741, An Act establishing a study committee to determine financing methods and requirements for the decommissioning of nuclear power facilities, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph II of section 1 of the bill by striking out same and inserting in place thereof the following:

II. The 7-member committee shall be composed as follows:

(a) three members of the house of representative appointed by the speaker of the house.

(b) two members of the senate appointed by the president of the senate.

(c) one member of the Public Service Company of New Hampshire appointed by the president of said company.

(d) one member appointed by the governor who shall be experienced in the management of trusts.

Conferees on the Part of the Senate: Sens. Alf E. Jacobson, Dist. 7; Eileen Foley, Dist. 24; Phyllis M. Keeney, Dist. 14.

Conferees on the Part of the House: Reps. M. Arnold Wight Jr., Hills. 10; Barbara B. Bowler, Belk. 3; Dorothea M. O'Neil, Hills. 32; James O. Horrigan, Straf. 4.

Sen. Keeney moved to adopt the committee of conference report on HB 741.

Adopted.

SUSPENSION OF RULES

Sen. Healy moved that the rules of the Senate be so far suspended as to allow the introduction of a committee report without notice of public hearing and not previously advertised in the journal.

Adopted.

HB 1194, concerning collecting sewer charges in municipalities with over 80,000 population.

Ought to pass. Sen. Healy for the committee.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Healy moved that the rules of the Senate be so far suspended as to allow HB 1194 be placed on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

HB 1194, concerning collecting sewer charges in municipalities with over 80,000 population.

Sen. HEALY: We had a meeting and we decided to unanimously report that the bill ought to come in ought to pass. It concerns the collection of taxes on sewers in Manchester and it is the usual procedure for the regular procedure of tax collection but it needs the authority of the legislature to go on record since it is something that is new and of recent time. We endorse this bill highly.

Adopted.

FURTHER COMMITTEE OF CONFERENCE REPORTS

Committee of Conference Report On HB 596

The committee of conference to which was referred House Bill 596, An Act amending the real estate transfer tax, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Real Estate Transfer Tax. Amend RSA 78-B:1 (supp) as inserted by 1967, 320:1 as amended by striking out said section and inserting in place thereof the following:

78-B:1 Transfer Tax.

I. A tax is imposed upon the sale, granting and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is \$.25 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$10. Notwithstanding the foregoing provisions, there shall be no tax as exempted by RSA 78-B:2.

II. Twenty percent of the funds derived from the imposition of this tax will be paid over to the treasurer and reserved for the use of the water supply and pollution control commission in administering the provisions of RSA 149-E. Funds which may accrue and which are in excess of the legislative appropriation made for the administration of RSA 149-E shall be transferred to the general fund.

III. This section shall be construed in all respects so as to meet all constitutional requirements. If any provision or clause of this section is held invalid, such invalidity shall not affect other provisions of the section.

2 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. Alf E. Jacobson, Dist. 7; Ward B. Brown, Dist. 19; Eileen Foley, Dist. 24.

Conferees on the Part of the House: Reps. Conrad L. Quimby, Rock. 4; Jean R. Wallin, Hills. 16; Richard D. Hanson, Merr. 5; Norman C. Marsh, Belk. 2.

Sen. Brown moved to adopt the committee of conference report on HB 596.

Adopted.

Committee of Conference Report on HB 590

The committee of conference to which was referred House Bill 590, An Act relative to a return transfer of funds from the division of welfare to the division of mental health, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend 1975, 505:21, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. \$100,000 that still remains of the \$287,970 transferred from the division of mental health pursuant to paragraph II, which will not be necessary to match federal

funds for the purpose of reimbursing community mental health facilities in New Hampshire for services rendered to public welfare clientele under the medicaid program, shall be returned to and is hereby appropriated to the division of mental health to be allocated to community mental health agencies during fiscal year 1977 as follows:

Central N.H. Community Mental Health Services	\$39,189
Great Manchester Mental Health Center	13,467
Lakes Region Mental Health Center	1,852
Monadnock Family and Mental Health Services	9,630
Nashua Community Council	7,000
Seacoast Regional Counseling Center	23,938
Strafford Guidance Center	4,924
Total	<hr/> \$100,000

If these sums are not allocated before the end of fiscal year 1977, they shall be so allocated thereafter, and shall not lapse.

Conferees on the Part of the Senate: Sens. James A. Saggiotes, Dist. 8; William E. Sanborn, Dist. 17; John H. McLaughlin, Dist. 13.

Conferees on the Part of the House: Reps. Everett B. Sackett, Straf. 4; Esther R. Nighswander, Belk. 2; Theodora P. Nardi, Hills. 27; Patricia J. Blanchette, Rock. 14.

Sen. McLaughlin moved to adopt the committee of conference report on HB 590.

Adopted.

Committee of Conference Report on HB 328

The committee of conference to which was referred House Bill No. 328, An Act prohibiting the removal of sand or vegetation from a sand dune and providing a penalty therefor, having considered the same, report the

same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Sand Dunes. Amend RSA 483-A:1-a, I (supp) as inserted by 1970, 22:1 by inserting in line 18 after the words “(*Solidago sempervirens*)” the following (and any sand dune or vegetation thereon within 100 feet of the highwater mark of the Atlantic ocean frontage in the town of Seabrook. “Sand dune”, as used in this paragraph shall mean a hill or ridge of sand piled up by the wind and commonly found on the seacoast.) so that said paragraph as amended shall read as follows:

I. Wherever the tide ebbs and flows, it shall apply to all lands submerged or flowed by mean high tide as locally determined, and, in addition, to those areas which border on tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats or other lowlands subject to tidal action (including those areas now or formerly connected to tidal waters), whose surface is at an elevation not exceeding 3 ½ feet above local mean high tide and upon which grow or are capable of growing some, but not necessarily all, of the following: Salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltmarsh grass also known as cordgrass (*Spartina alterniflora*), saltworts (*Salicornia* spp.), Sea Lavender (*Limonium carolinianum*), saltmarsh bulrushes (*Scirpus maritimus*, var. *fernaldii* and *Scirpus paludosus* var. *atlanticus*), sand spurrey (*Spergularia marina* and *Spergularia canadensis*), high-tide bush (*Iva frutescens*), spike rush (*Eleocharis parvula* and *Eleocharis halophila*), chairmaker's rush (*Scirpus americana*), bent grass (*Argostis palustris*), coast-blite

(*Suaeda* spp.), orach (*Atriplex patula*), arrow-grass (*Triglochin maritima*) and seaside goldenrod (*Solidago semper-virens*) and any sand dune or vegetation thereon within 100 feet of the highwater mark of the Atlantic ocean frontage in the town of Seabrook. "Sand dune", as used in this paragraph, shall mean a hill or ridge of sand piled up by the wind and commonly found on the seacoast. The occurrence and extent of saltmarsh peat at the undisturbed surface shall be evidence of the extent of jurisdiction hereunder within a saltmarsh.

Conferees on the Part of the Senate: Sens. Phyllis M. Keeney, Dist. 14; David H. Bradley, Dist. 5; Eileen Foley, Dist. 24.

Conferees on the Part of the House: Reps. Elizabeth A. Greene, Rock. 17; Charles F. Felch, Sr., Rock. 11; Anthony T. Randall, Rock. 11; Richard F. Niebling, Rock. 13.

Sen. Foley moved to adopt the committee of conference report on HB 328.

Adopted.

Committee of Conference Report on HB 57

The committee of conference to which was referred HB 57, An Act relative to security deposits of tenants of residential premises, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 477:48, I (a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) "Landlord" means a person and his or her or its employees, officers or agents who rents or leases to another person a rental unit, including space in a mobile home park as regulated by RSA 205-A and in a mobile home, for other than vacation or recreational purposes; provided that a person who rents or leases rental units in an owner-occupied building of not more than 15 units shall not be considered a "landlord" for the purposes of this section, other than for any individual unit in such building which is occupied by a person or persons 60 years of age or older.

Amend RSA 477:48, VIII (a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) Any landlord who fails to comply with the provisions of paragraph II, III or IV of this section shall be deemed to have violated RSA 358-A:2.

Conferees on the Part of the Senate: Sens. David Bradley, Dist. 5; Phyllis Keeney, Dist. 14; Robert Fennelly, Dist. 21.

Conferees on the Part of the House: Reps. Walter LeFavour, Straf. 2; Phyllis Pucci, Rock. 5; Bruce Rossley, Rock. 23; Ednaparl Parr, Rock. 12.

Sen. Keeney moved to adopt the committee of conference report on HB 57.

Adopted.

ENROLLED BILLS AMENDMENT

HB 314, improving procedures of the medical board for supervising medical practice and stabilizing medical liability claims.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 314

Amend RSA 507-C:2, I(a) as inserted by section 22 of the bill by striking out line 2 and inserting in place thereof the following:

care provider's professional or specialty thereof, if any, at the time the medical

Amend RSA 507-C:2, II(a) as inserted by section 22 of the bill by striking out line 6 and inserting in place thereof the following:

have been given to a patient in the position of the injured person or other persons

Sen. BERGERON: This amendment corrects a grammatical error in the line.

Amendment adopted.

HOUSE NONCONCURS IN AMENDMENT AND REQUESTS A COMMITTEE OF CONFERENCE

HB 573, providing for the acquisition of a certain dam and water rights by the water resources board and making an appropriation therefor.

The Speaker has appointed Reps. Claflin, LaMott, Griffin and Maglaras.

Senator Hancock moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Monier, Gardner and Hancock.

Recess to the call of the Chair at 2:20 p.m. on June 20th, 1977.

Out of Recess.

Sen. Saggiotes in the Chair.

HOUSE MESSAGES
HOUSE ADOPTS COMMITTEE OF CONFERENCE
RECOMMENDATIONS

SB 7, establishing retirement and permanent disability benefits for district court justices.

SB 6, providing for a power of attorney which survives disability or incompetence of the principal.

SB 40, repealing certain provisions currently included on tangible property inventory blanks.

SB 315, relative to mobile home foundations.

HOUSE CONCURS IN SENATE AMENDMENTS

HB 1126, relative to the New Hampshire retirement system and the state employees' retirement system of New Hampshire.

SB 307, relative to deceased funeral directors.

HB 1016, establishing procedures for the periodic termination, review and renewal of state agencies and programs.

HB 270, relative to certain capital improvement appropriations for the aeronautics commission and the water resources board and the adjutant general.

HB 129, exempting certain persons from prosecution relative to exposing minors to harmful material or obscenity.

HOUSE DISCHARGES COMMITTEE OF CONFERENCE
AND APPOINTS A NEW COMMITTEE OF
CONFERENCE

HB 275, relative to the membership of the legislative utility consumer's council and expanding the council's jurisdiction.

The speaker has appointed Reps. Lyons, Aller, Benton and G. Gagnon.

HOUSE REQUESTS CONCURRENCE IN AMENDMENT

SB 56, establishing an adoptive care act.

Senator Keeney moved that the Senate nonconcur and set up a committee of conference.

Adopted.

The Chair appointed Sens. Bradley, Keeney and Blaisdell.

HOUSE NONCONCURS IN AMENDMENTS AND REQUESTS COMMITTEE OF CONFERENCE

HB 167, relative to legal voters changing party affiliation and the posting of checklists.

The Speaker has appointed Reps. Conley, Krasker, K. Randall and Lovejoy.

Senator Monier moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Jacobson, Monier and Hancock.

HB 228, imposing an additional one cent tax on motor fuel and fuel other than motor fuel, dedicating 95 percent of the revenue to towns and cities.

The Speaker has appointed Reps. Keller, J. Bibbo, Ingram and J. White.

Senator Rock moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed Sens. Rock, Smith and Fennelly.

COMMITTEE OF CONFERENCE REPORTS

Committee of Conference Report On HB 460

The committee of conference to which was referred House Bill 460, An Act amending the formula for computing the elderly real estate tax exemption and providing for local option of the expanded elderly real estate tax exemption based on assessed value, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out all after section 6 and inserting in place thereof the following:

7 Effective Date.

I. Section 1 shall take effect April 1, 1978.

II. Sections 2 through 5 shall take effect April 1, 1977.

III. Section 6 shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. Robert B. Monier, Dist. 9; Laurier Lamontagne, Dist. 1; Delbert F. Downing, Dist. 22.

Conferees on the Part of the House: Reps. Ezra B. Mann, Graf. 6; John Bednar, Hills. 14; Roger C. King, Rock. 1; Roy W. Davis, Rock. 2.

Sen. Monier moved to adopt the committee of conference report on HB 460.

Adopted.

Committee of Conference Report On HB 455

The committee of conference to which was referred House Bill 455, An Act providing for a special license plate for a person with a walking disability, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. Laurier Lamontagne, Dist. 1; Delbert Downing, Dist. 22; Edith Gardner, Dist. 4.

Conferees on the Part of the House: K. Michael Tavitian, Rock. 9; Raymond Conley, Jr., Carr. 3; Robert Erler, Rock 8; Roger Wallace, Hills. 22.

Sen. Downing moved to adopt the committee of conference report on HB 455.

Adopted.

Committee of Conference Report On HB 659

The committee of conference to which was referred House Bill 659, An Act requiring a minimum of 2 years residency before applying for free hunting or fishing license, or both, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

Conferees on the Part of the Senate: Sens. Mary L. Hancock, Dist. 15; Walter F. Healy, Dist. 16; Laurier Lamontagne, Dist. 1.

Conferees on the Part of the House: Reps. John Stimmell, Rock. 1; Franklin Wolfsen, Rock. 15; Andrew Polak, Hills. 25; Fritz T. Sabbow, Belk. 6.

Sen. Lamontagne moved to adopt the committee of conference report on HB 659.

Adopted.

HB 1181, relative to prorating motor vehicle permit fees.

Sen. Lamontagne moved that the committee of conference on HB 1181 be discharged and a new committee of conference be appointed.

Adopted.

The Chair appointed Sens. Poulsen, Lamontagne, and Healy.

Committee of Conference Report On HB 884

The committee of conference to which was referred House Bill No. 884, An Act relative to the payment of wages to an employee who reports to work at the request of his employer, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend RSA 275:43-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

275:43-a Required Pay. An employee shall not be paid less than 2 hours pay at his regular rate of pay on any day on which the employee has reported to work pur-

suant to his employer's request unless the employee is employed on a regular daily basis for less than 2 hours per day.

Conferees on the Part of the Senate: Sens. Robert B. Monier, Dist. 9; Ward B. Brown, Dist. 19; Robert F. Preston, Dist. 23.

Conferees on the Part of the House: Reps. Patricia M. Skinner, Rock. 3-A; Esther R. Nighswander, Belk. 2; Kenneth H. Gould, Rock. 4; Robert W. Wheeler, Hills. 8.

Sen. Monier moved to adopt the committee of conference report on HB 884.

Adopted.

ENROLLED BILLS AMENDMENT

HB 881, relative to the recovery of local assistance.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 881

Amend RSA 165:20 as inserted by section 1 of the bill by striking out lines 4, 5 and 6 and inserting in place thereof the following:

port him under RSA 165:19, such sum may be recovered from the town, county or relation so chargeable, subject to RSA 164-A:6. In any civil action brought under this section to recover such sum, the court shall award to the prevailing party costs.

Sen. LAMONTAGNE: Mr. President, and member of the senate, this amendment is necessary to incorporate the changes made for the section by HB 781 passed earlier in the session.

Amendment adopted.

HB 828, creating the position of deputy commissioner of health and welfare.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 828

Amend section 2 of the bill by striking out line 4 and inserting in place thereof the following:

Deputy commissioner of health and wel-		
fare	\$22,000	\$27,000

Sen. LAMONTAGNE: This amendment corrects an error in the title of the duties of the commissioner of health and welfare.

Amendment adopted.

HB 326, adopting the provisions of the uniform vehicle code pertaining to the operation of emergency vehicles.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 326

Amend RSA 262-A:7 as inserted by section 1 of the bill by renumbering paragraphs III-a, IV and V to read as

IV. , V. and VI. , respectively.

Sen. LAMONTAGNE: Mr. President, members of the senate, this amendment renumbers the paragraphs to avoid a a letter paragraph.

Amendment adopted.

HB 258, restricting the disposal of high level nuclear wastes in the state and within the coastal jurisdiction of the state.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 258

Amend section 1 of the bill by striking out lines 1, 2 and 3 and inserting in place thereof the following:

1 Nuclear Waste Disposal Prohibited. Amend RSA 162-H by inserting after section 13 the following new section:

Sen. LAMONTAGNE: This amendment corrects an error in the amending language of the bill.

Amendment adopted.

SB 299, authorizing the establishment of municipal development districts.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 299**

Amend section 2 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

inserting after chapter 162-J the following new chapter:

CHAPTER 162-K

Amend RSA 162-J:1 through RSA 162-J:12, as inserted by section 2 of the bill, by renumbering said sections to read as 162-K.1:

162-K:1, 162-K:2, 162-K:3, 162-K:4, 162-K:5, 162-K:6, 162-K:7, 162-K:8, 162-K:9, 162-K:10, 162-K:11 and 162-K:12, respectively.

Amend RSA 162-K:2, X, as inserted by section 2 of the bill, by striking out line 3 and inserting in place thereof the following:

under the provisions of RSA 162-K:10.

Amend RSA 162-K:6, as inserted by section 2 of the bill, by striking out line 7 and inserting in place thereof the following:

162-K:8, shall be pledged for the payment of these bonds and used to reduce

Amend RSA 162-K:9, as inserted by section 2 of the bill, by striking out line 4 and inserting in place thereof the following:

supervision of the district administrator as designated in RSA 162-K:10.

Amend RSA 162-K:12, as inserted by section 2 of the bill, by striking out line 4 and inserting in place thereof the following:

of RSA 162-K:3. Prior to undertaking any relocation of displaced persons,

Sen. LAMONTAGNE: Mr. President, members of the senate, this amendment redesigns the RSA inserted by section 2 of the bill as 162-k rather than 162-j. Which chapter number was used in the fire act this session. The internal reference to the bill are also changed to reflect this redesignation.

Amendment adopted.

COMMITTEE OF CONFERENCE REPORTS

Committee of Conference Report on CACR 13

The committee of conference to which was referred CACR 13, a Concurrent Resolution Proposing Constitutional Amendments, Relating To: Legislative Districts, Providing That: A Town, Ward or Place May by Referen-

dum Request That the Legislature Divide it into Two or More Representative or Senatorial Districts, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the resolution, and

That the Senate and House each pass the resolution as passed by the Senate.

Conferees on the Part of the Senate: Sens. D. Alan Rock, Dist. 12; Stephen W. Smith, Dist. 3; Delbert F. Downing, Dist. 22.

Conferees on the Part of the House: Reps. Harold V. Buckman, Graf. 9; Mark Connolly, Hills. 9; Helen Maloomian, Straf. 6; Grace L. Joncas, Straf. 5.

Sen. Rock moved to adopt the committee of conference report on CACR No. 13.

Adopted.

Committee of Conference Report On HB 161

The committee of conference to which was referred House Bill 161, An Act permitting licenses to promote the sale of alcoholic beverages at reduced prices, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sens. David H. Bradley, Dist. 5; Phyllis M. Keeney, Dist. 14; Robert Fennelly, Dist. 21.

Conferees on the Part of the House: Reps. Wilfred Cunningham, Rock. 12; Bruce C. Rounds, Graf. 12; George Lemire, Coos 8; James Humphrey, Merr. 11.

Sen. Keeney moved to adopt the committee of conference report on HB 161.

Adopted.

Committee of Conference Report On HB 880

The committee of conference to which was referred House Bill 880, An Act relative to telephone calls to emergency services in towns, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. Ward B. Brown, Dist. 19; James A. Saggiotes, Dist. 8; Eileen Foley, Dist. 24.

Conferees on the Part of the House: Reps. Judith M. Stahl, Hills. 17; Robert A. Vlack, Rock. 9; Leo E. Lesard, Straf. 20; Sarah P. Voll, Straf. 4.

Sen. Brown moved to adopt the committee of conference report on HB 880.

Adopted.

Committee of Conference Report On HB 799

The committee of conference to which was referred House Bill 799, An Act including divorce among the events that are reportable to the registrar of vital statistics, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurr-

ence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Clerks' Returns; Required Information Changed. Amend RSA 458:15 by striking out said section and inserting in place thereof the following:

458:15 Clerks' Returns. The clerks of the superior court shall, in their respective counties at which divorces are granted, make monthly returns to the registrar of vital statistics.

4 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. Andrew W. Poulsen, Dist. 2; Robert F. Preston, Dist. 23; Ward B. Brown, Dist. 19.

Conferees on the Part of the House: Reps. Geraldine G. Watson, Hills. 13; Donald H. Smith, Straf. 3; Sharon E. Brody, Hills. 24; Robert W. Dearborn, Graf. 11.

Sen. Preston moved to adopt the committee of conference report on HB 799.

Adopted.

Recess.

Out of Recess.

Senator Jacobson in the Chair.

ENROLLED BILLS AMENDMENT

HB 456, providing for the preparation of an election procedure manual and making an appropriation therefor.

Sen. Saggiotes for the committee.

Enrolled Amendment to HB 456

Amend section 1 of the bill by striking out line 12 and inserting in place thereof the following:

requests it upon payment by him of a fee which equals the costs of preparation

Sen. SAGGIOTES: Mr. President the amendment to 456 is one that corrects a grammatical error.

Amendment adopted.

COMMITTEE OF CONFERENCE REPORTS

SB 6, providing for a power of attorney which survives disability or incompetence of the principal.

See House Journal. pg. 3004

Sen. Bossie moved to adopt the committee of conference report on **SB 6**.

Sen. BOSSIE: Mr. President basically the house and the senate really compromised on this. We got half of the bill, this is Senator Bradley's bill to allow a power of attorney to survive disability or incompetence. How we did it, was the general power of attorney will not survive a disability or incompetence but a special power of attorney or limited power of attorney would. The difference is that a limited power of attorney is one which is given to an individual for a specific act such as to convey property, to hold money in a savings account or something similar. A general power of attorney is frequently given the people, by people in the military, to their spouses or rela-

tives to act in their place in general items so that they have the power to trade their property, sell it or anything else. I think it is a fair compromise and I think especially the way that Senator Bradley proposed it, initially it was even better. This is quite acceptable and we would ask the members of the senate to concur with us.

Adopted.

SB 315, relative to mobile home foundations.

See House Journal. pg. 3003

Sen. Sanborn moved to adopt the committee of conference report on **SB 315**.

Sen. SANBORN: This is relative to the foundations that are required under a mobile home. The only change the committee of conference made to the amendment as proposed by the House of representatives in page 2 gave the authority only to the authorizing authority of a city. At my request that was changed so that the authorizing authority would refer back to a preceeding chapter of the RSAs giving that authority to both towns and cities so that it would cover the towns that had more of these mobile homes than the cities do.

Adopted.

SB 7, establishing retirement and permanent disability benefits for district court justices.

See House Journal. pg. 3002

Sen. Bossie moved to adopt the committee of conference report on **SB 7**.

Sen. BOSSIE: This goes along with the House amendment to the bill which would provide that it would be a contributory system. The way the bill passed the Senate it

would be a noncontributory like the superior court. My objections have since stopped as a result of the fact that it would be contributory and hopefully we would be able to extend this in the future.

Adopted. (Sen. Healy recorded in opposition.)

SB 40, repealing certain provisions currently included on tangible property inventory blanks.

See House Journal. pg. 3003

Sen. Keeney moved to adopt the committee of conference report on **SB 40**.

Sen. KEENEY: The original bill repealed the section that asked for the assessed valuation of property. The senate took the repeal section out the House put the repeal section back in and we met and they agreed with the Senate not to repeal that section on the inventories.

Adopted.

Committee of Conference Report On HB 96

The committee of conference to which was referred House Bill No. 96, An Act increasing the appropriation for regional vocational education centers, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the unnumbered introductory paragraph of RSA 188-E:9 as inserted by section 2 of the bill by striking out same.

Amend RSA 188-E:9, IV as inserted by section 2 of the bill by striking out same.

Conferees on the Part of the Senate: Sens. Stephen W. Smith, Dist. 3; William E. Sanborn, Dist. 17; Clesson J. Blaisdell, Dist. 10.

Conferees on the Part of the House: Reps. William P. Boucher, Rock. 3; Elaine S. Krasker, Rock. 22; Neila P. Woodward, Coos 2; Andrea A. Scranton, Ches. 16.

Sen. Blaisdell moved to adopt the committee of conference report on HB 96.

Adopted.

Committee of Conference Report On HB 469

The committee of conference to which was referred House Bill No. 469, An Act increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 19 years, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 11 and renumbering sections 12, 13, 14 and 15 to read as

11, 12, 13 and 14, respectively.

Conferees on the Part of the Senate: Sens. David H. Bradley, Dist. 5; Alf E. Jacobson, Dist. 7; Robert W. Bossie, Dist. 20.

Conferees on the Part of the House: Reps. Wilfred R. Cunningham, Rock. 12; Bruce C. Rounds, Graf. 12; Ken-

neth J. MacDonald, Carr. 4; Michael S. Woodard, Graf. 8.

Sen. Bradley moved to adopt the committee of conference report on HB 469.

Adopted. (Sen. Lamontagne recorded in opposition.)

Sen. LAMONTAGNE: Mr. President, members of the Senate it seems that my motion has created quite a commotion and I didn't intend to do that. But I certainly feel as an individual member of the Senate that I should be able to express my opinions. And my opinion is the reason why I am still in opposition to the proposed committee of conference, I don't feel that anything has been accomplished. I have been hearing some Senators say that it is going to cause confusion in colleges. Well as far as I am concerned wherever there is education there shouldn't be any alcoholic beverage. I think it is wrong and at the same time I think it is very confusing. Now the 18 years of age have already taken the place of alcoholic beverages, you are not going to change them. These people are still going to get drinks whether you want them to or not. Therefore, I feel that you are just going to create laws so that they will be broken by these 18 year olds.

Sen. MONIER: Senator Lamontagne I hope that you understand that I thoroughly agree with you. My answer would be very simple we found an 18 year old bill which I helped sponsor earlier did not work. 18 year olds did not handle the liquor like we thought they could and not like they claimed they would. The truth of the matter is though that if you do not accept a committee of conference, we are going to wind up with the 18 year olds still on the record and still on the books so you have solved nothing. But compromise from 18 to 19 salvages two things: the first one was that the biggest problem although

there is a problem with 18 year olds drinking period but the biggest problem has been the public high school areas. Whereby buying it, having it in their cars etc. they expose many people that are not 18 years old to that drink and there is no way that you can police that. The reports from the schools etcetera were all the same and therefore if you change it to 19 I would have been happy with that; I would have been happy if they changed that to 30 or 19 or 21. But the truth of the matter is that you are not going to get this and so one of the reasons that some of us support this reluctantly is because it does not make it difficult then for places like universities and many other kinds to not be able to restrict them to 18 or 19 to taking it out somewhere else. It is not good, the 18 year old drinking bill is not good, I wish we could repeal it but you can't. This is the only compromise that you can do anything with. To put this on the table or to vote it down merely means that we are going to wind up with the same 18 year old bill law on the book.

Committee of Conference Report on HB 523

The committee of conference to which was referred House Bill 523, An Act authorizing payment to Merrimack county for services rendered and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. There is hereby appropriated the sum of \$254,045 to be paid to Merrimack county for costs in excess of amounts reimbursed by the state incurred by

the county in its management of the Eagle Convalescent Center on behalf of the state of New Hampshire from July 1, 1974 to June 30, 1976 pursuant to a request by the state on June 11, 1974. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Conferees on the Part of the Senate: Sens. Alf E. Jacobson, Dist. 7; Mary Louise Hancock, Dist. 15; James A. Saggiotes, Dist. 8.

Conferees on the Part of the House: Reps. William F. Kidder, Merr. 1; Paul I. LaMott, Graf. 6; Max D. Wiviott, Merr. 16; Patricia J. Blanchette, Rock. 14.

Sen. Hancock moved to adopt the committee of conference report on HB 523.

Sen. HANCOCK: The city of Concord was returned to the bill so its payment will be included with the rest.

Adopted.

HOUSE MESSAGES HOUSE REQUESTS CONCURRENCE

HB 1200, authorizing certain stores to sell table wine, establishing a tax on carbonated beverages, and relative to the operation of state liquor stores on Sundays and making an appropriation therefor.

The Chair ruled that affirmative action on HB 1200 in its present form 1 would require a 2/3 vote of those present and voting.

Sen. Trowbridge moved that the Senate go into the committee of the whole.

Sen. TROWBRIDGE: Mr. President, HB 1200 as you know, has three parts to it, Sunday liquor stores, wine

and as I refer to it as the soda pop tax. If we go into the committee as a whole, I will then quickly make the motion to divide the question so that each part of the bill can be taken up in its appropriate manner. Those that have not been voted down like 556 could be taken on majority vote, that portion that relates to wine and groceries store as the president ruled, 2/3s vote. The reason that I am asking for a committee of the whole is that the committee of conference on the budget is stalled not having an idea what this 12.5 million package status is. There is no real way for us to make any final decision so long as this is outstanding. I am hoping that we will all recognize that it is vital to balance the budget but two, that it is just as vital that we have our answer from the senate today so that we can do our work. In a committee of the whole we can know, we can all discuss it, divide it into three parts, and by the afternoon we will know the fate of HB 1200. That is the purpose for my motion.

Sen. MONIER: I would like to ask a question of the chair. The first being that you have already ruled that this has within it, or the title of it, such that would require a 2/3rds vote for this bill to have any action on it. This is only for affirmative action?

The CHAIR: Yes.

Sen. MONIER: Is it not correct that if you have ruled it would require a 2/3rds vote of affirmative action on this bill as it now stands because of the reasons that you stated that a committee of the whole or any other action would be circumventing that ruling for the express purposes of allowing us to vote in particular fashions one way or the other, is that not correct?

The CHAIR: The question on the committee of the whole is a question that is apart from the question of HB 1200.

Sen. MONIER: Would the chair explain how it is apart from it when the chair has already indicated that it would take a 2/3rds action to have an affirmative action on this and yet at the same time now states that action that would allow that bill then that would be discussed in parts would be a separate action?

The CHAIR: The chair knows of no motion that has been presented to discuss it in part.

Sen. MONIER: Then I Mr. President under that series of circumstances, must rise in opposition to a committee of the whole. The bill as we well know was introduced into the House as a carbonated beverage bill which was defeated. At that time then the wine bill was tacked on and it became the main focus of the bill. Then another portion of it was tacked on, which I believe was Sunday sales, and then last the carbonated beverage came back on. The truth of the matter is that if you look at the bill as it is now received from the house it is really a wine bill and we as the chair has ruled have already passed on this and had action on it, we have reconsidered that action and it is under our own senate rules that any such action again after reconsideration would require 2/3rds. I well recognize the problem that Senator Trowbridge is trying to bring to our attention but I bring it also that the house should have passed that over here in the proper form. I don't know and would like to ask the chair with respect to this as to what happens if we do not give a 2/3rds vote to the bill as such, do not go into a committee of a whole, what happens to the bill?

The CHAIR: The chair will state that the bill has been accepted by the reading of the message. The question is what affirmative action can be taken since the Senate has considered HB 556 and its contents and are now in HB 1200. The chair has ruled that it will require a 2/3rds vote for affirmative action.

Sen. MONIER: And if the request for a committee of a whole is defeated and any other motion that would separate this question so that we are dealing with each one of these aspects, what then would be the bill?

The CHAIR: The normal processes for any bill is that when the message is read there is the first and second reading of the bill and referral to committee. That is the common practice, testified to by thousands of precedents. From that moment on there may be a whole series of actions. The chair has ruled that any affirmative action and by that he means any action whereby the bill may pass.

As the bill presently stands it must require 2/3rds count. That ruling was made and there was no challenge to the ruling and the ruling stands.

Sen. TROWBRIDGE: I fully understand what Senator Monier is saying, I understand the ruling of the chair. Is there not a way that I can ask that we divide the question on taking it in the committee of the whole so that only those portions which are not HB 556 comes before this body? I am not trying to go around the actions of this chamber of last week. I am simply saying that there are other parts that have never been voted on should be allowed in and there should be a way for the majority to deal with those portions which have never been dealt with before.

The CHAIR: The chair will state that there is a motion for a committee of conference for the purpose of discussing HB 1200, a committee of the whole excuse me, that motion is in order by the rules of the Senate by a majority vote. Since there is no restriction in the rules with regards to a 2/3rds vote or any other vote. The committee of conference can discuss the bill to any degree that it wishes. However if there is a consensus of some action within the committee of conference that consensus in order to be acted upon must come back to the Senate in session.

Sen. TROWBRIDGE: So if I understand correctly we would vote by majority now as to whether or not to have a committee of the whole at which point it would be in order to divide the question into the portion which needs a 2/3rds vote by your ruling and that portion which does not?

The CHAIR: The chair would state that the committee of the whole could only divide the question in terms of a consensus; that any dividing of the question in the legal sense of the word must be while the Senate is in session.

Sen. MONIER: I assume after all this that we are back to the motion again. I would like to ask you, what can you do in a committee of the whole that we can't do now?

Sen. TROWBRIDGE: I was only stretching to find a

way to make sure that this bill was not delayed so that the conference committee on the budget knows the answer as to what we are going to do on HB 1200. It seemed to be logical and I then asked the President if it would be possible to make a motion to divide the question now so that it is clear that what we are bringing in on HB 1200 to the committee of the whole on those portions that have never yet been voted on by the senate namely the soda pop and the Sunday liquor that has never been before the Senate.

Sen. MONIER: I am not accusing you of chicanery or anything like that. The rules were that this bill's title now is the wine bill it is not the other two, that was done by the house action, not by us. Are we not in a sense by trying to do this maneuvering are we not allowing them to send us a bill which has other portions to it I well agree and we're trying to find a way to get out of a dilemma that they created is that not correct.

Sen. TROWBRIDGE: No I think the dilemma is ours. It is right here. How do we through our own rules, handle the situation with one part of it on a 2/3rds vote by ruling of the chair and the other part on majority vote. And I am asking why we can't divide the question now and then go into committee of the whole. I don't see anything wrong with it.

Sen. MONIER: The feeling that I have on this Senator Trowbridge is that I am not against a committee of the whole and I am not against the rest of it, but I am going to vote against them and because I think the House has taken the action of putting the bill on there, part of which has been rejected by us and would require a 2/3rds vote. Secondly, because they themselves played games with the carbonated beverage one and added it on last and third I don't think it is our dilemma at all. I think it is theirs, they are the ones that created the bill the way it is, they are the ones that brought it in here and left us with the need to solve their problem. I don't feel like solving their problems.

Sen. TROWBRIDGE: Senator Monier, HB1200, of which I am a sponsor, is the carbonated beverage bill.

The title now reads: both carbonated beverage, Sunday liquor and wine and grocery stores. When you talk about the title of the bill, they are all in the title of the bill. There are three parts to the bill and I don't think that if anybody wants to play games here and hold up this bill, 12.5 million package potential. I want to see that budget sitting over here in the LLB, wants to see the pay raises go, they can take your attitude. If they want to see a responsible budget done, they can take my attitude.

Sen. ROCK: Senator could we get into some of the aspects that we are talking about on the budget. I assume that when you are speaking about the soda pop bill you are taking for granted that the head tax increase is a dead issue, is that true?

Sen. TROWBRIDGE: Yes.

Sen. ROCK: If the head tax issue were in fact not a dead issue does that not mean some 9 million dollars additional revenues which would offset the loss that you are projecting with the failure of the soda pop bill?

Sen. TROWBRIDGE: Sure it does.

Sen. ROCK: Where would be Senator if we passed a bill through joint rules onto the House and the Senate enacting the increase in the head tax which I would be happy to pay and I am sure many others would be happy to pay in lieu of a general sales tax which would be far more expensive. And we also passed an increase in the business profits tax a full 1%. What would the short fall on revenues be at that point?

Sen. TROWBRIDGE: I am assuming in my answer that the, is that assuming none of this passed, bill 1200?

Sen. ROCK: No, I would have to put another assumption into the equation. Assuming that in the wisdom of the committee of conference you footnoted the budget, either capital budget or operating budget to have Sunday sales which is another several million dollars increase in revenue. You did not have the soda pop and you did not have the wine in grocery stores but you did have the 9 million from the head tax increase and you did have the 9 million from a full 1% bump on the business profits or $\frac{3}{4}$ which is 7 million plus 5 million bump where would you be in revenues?

Sen. TROWBRIDGE: What about capital gains which is now in business profits?

Sen. ROCK: Well that was a new one last night, that was going to be my next question.

Sen. TROWBRIDGE: If you were to get a full one percent on business profits with the 5 million bump for early payment, plus the 7 million in capital gains plus the head tax, plus Sunday liquor, you would be about 2 million ahead. If you were to get all that. Now Sunday liquor is in this bill. I don't see us being able to put that in the budget. Head tax I have already discussed with the House and they say it is as dead as a doornail and whether you think you can get a joint rules thing through or not I am going to have to say that my judgment for this Senate is you're not going to get that and you will have to substitute with the soda pop thing.

Sen. ROCK: Do we not now have a footnote in the present capital budget mandating that certain liquor stores be open on Sunday? And could we not logically pursue that and reach some sort of a compromise and I understand the objection is that it would be voluntary work rather than mandatory, if we could reach a voluntary compromise with the employees at the stores that were open on Sunday would work only on a voluntary basis and I would propose even a further compromise that they be paid time and a half whether they worked over the 40 hours or not for working a Sunday. Would we then not have taken care of in the same manner we are now taking care of Sunday sales at liquor stores taking care of them at 15 liquor stores.

Sen. TROWBRIDGE: You could if everybody, the House and Senate conferees agreed to it. The reason we put those footnotes was that we were building the two stores and manning them for the first time and, therefore, it was logical to say that they were going to be open 24 hours a day and all that which was not the normal thing to put into the operating budget. Normally you do that with a bill such as 1200 or the other one that was tabled.

Sen. ROCK: Senator could I ask you to explain your understanding of the capital gains tax because the only

thing that I have had was a newspaper story that I just read very sketchily and I don't really understand what you are talking about, what's included, what's excluded and what's the rate, and how much chance does it have of flying through?

Sen. TROWBRIDGE: All I know is that the rate would be the same or whatever. It applies now to individuals who have a capital gain such as from a stock and bond, or on land sales. It exempts your principle residents from the capital gains tax not all the land around, but the building, that I haven't seen but I understand that there is some limitation on land and buildings. In other words if you had a five hundred acre farm you wouldn't get an exemption on all 500 acres but you would on the normal transaction that a person has selling his house. This would be exempted from capital gains. Otherwise I know of no other exemption.

Sen. ROCK: I realize that this is a difficult question to answer because we don't have the legislation in front of us, but if I had a farm in my family for a hundred years and the 300 acre farm had in fact been the homestead, we had lived it and worked in it, that we would be precluded from selling the farm without the capital gains tax except the house and maybe 100 by 100 around the house.

Sen. TROWBRIDGE: I wish I had the bill in front of me. All I have done is talk to Representative McLane about it and she said we have the homestead exemption from the bill and I asked here whether it was all land and she said no. Just a passing comment in the hallway, that is about all I know.

Sen. ROCK: I am very interested in seeing several things happen Senator, I am interested in seeing a pay raise for the state employees, I am interested in seeing a raise for the university employees, I am interested in seeing us come out with a balanced budget which the House did not do, I am interested in seeing us fund some of the things and I could use as a specific example a packet that is sitting on my desk at the radio station which is a very fancy series of announcements and public service mes-

sages that tells everybody whoopee, here is a new law and if you are handicapped you are entitled to be educated and they are going to be banging the doors down because the feds are already pushing the program. Is there an area where we can balance the budget by footnoting the Sunday liquor stores by refusing to consider wine in grocery stores which this Senate has already mandated including a reconsideration move that failed and not considering the soda pop, can we balance the budget, is there an area to do it within the methods that I have just outlined to us?

Sen. TROWBRIDGE: It all depends on everything going. I am juggling figures around here in my head. All I know is that we would have lost 9.4 million head tax, we would have lost 2.4 million in wines, so there is 11.4 million that we have lost at this point. And you are substituting back in here possibly the capital gains tax if the governor will sign it which I can't count on. We haven't even voted on it here. So how can I see that the budget will be balanced. I can't. I think we have to take each one of these revenue measures and tackle them and see which ones people prefer rather than blocking them out by procedural efforts. Bring them up here, if they don't go they don't go. Then we'll know the answers.

Sen. ROCK: If indeed the Governor has recommended and indicated in his message to Senate Finance that he favors and would sign a \$10 increase in the head tax and if the Governor has indicated that he favors a pay raise for state employees and would sign it and if that pay raise for the employees plus the University was within the area of the money raised by an increase in the head tax and there are Senators that would be willing to bite the bullet and say we need to help the state employees who haven't had a pay raise in two years, we need to fund the raise for the University and that a combination of the increase in the head tax plus the Sunday tax would do it, don't you think the House would be reasonable enough to listen to that?

Sen. TROWBRIDGE: All I can say that in talking just before we left here, I was anticipating exactly this kind of

discussion, I asked the house what would happen if the head tax were brought back in and then there was just a big shake of all those heads.

Sen. ROCK: But did you ask them if it was tied to a mandated and footnoted to an employee pay raise, then would you go for it, and it would fund the employee pay raise? Did you ask them that question?

Sen. TROWBRIDGE: I have my sheet here somewhere, and it would have the Sunday sales, carbonated beverages including everything meaning capital gains, business profits, Sunday liquor sales, wine in grocery stores and all the other ones that have come out, we come down to 1.2 surplus. That means that we passed that entire package of 1200 plus that but not the head tax.

Sen. ROCK: Do you have the real estate transfer tax increase at a 1.6?

Sen. TROWBRIDGE: Yes.

Sen. ROCK: Do you have the interest and dividends increase tax at 1.4?

Sen. TROWBRIDGE: Yes.

Sen. ROCK: Fees and licenses at 1.6?

Sen. TROWBRIDGE: Yes.

Sen. ROCK: Horse racing, multiple wagering 1.3?

Sen. TROWBRIDGE: Yes.

Sen. ROCK: Do you have the rooms and meals tax at 1%?

Sen. TROWBRIDGE: Yes.

Sen. ROCK: Sales surplus property allocated 2%?

Sen. TROWBRIDGE: Yes.

Sen. ROCK: Hampton Liquor store?

Sen. TROWBRIDGE: Yes.

Sen. ROCK: What's the date for the opening of the Hampton liquor store?

Sen. TROWBRIDGE: 79, one year of the biennium.

Sen. ROCK: Don't you think that we could move that up to December 31st if we built these in 30 days if we . .

Sen. TROWBRIDGE: Not if we are going to move and salvage the buildings, no.

Sen. ROCK: Business profits tax?

Sen. TROWBRIDGE: Yes.

Sen. ROCK: At what?

Sen. TROWBRIDGE: 8 million.

Sen. ROCK: Highway fees and fines?

Sen. TROWBRIDGE: Yes.

Sen. ROCK: 6% employee cost reduction?

Sen. TROWBRIDGE: No, haven't got that yet.

Sen. ROCK: Has the House considered a reduction of 6% or a reallocation to the extent of 6% of the department heads would have some control over either employees or cost of operation?

Sen. TROWBRIDGE: We have not the problem there being you take 6% out of some of these budgets, across the board, you get the same situation that we did in 1971. You went 6%, actually it was about 11% at that time and in the welfare budget it had an impact of 29%. It is not easy to take the flat 6%. The Governor's office has never come up with another formula, I have worked with them, you have worked with them on committee and know exactly what I am saying is that that is saying okay 7 million saved, you can do it another way. If you have to save 7 million you can do it another way but the point of the matter is that most of these budgets have no increase at all anyhow. So another 6% now and the 6% that they lost to inflation is really a 12% cut. We have been trying to avoid that by finding acceptable alternatives in revenue. The name of the game is revenue. We have some revenue proposals and what I am saying is let the Senate vote on the revenue proposals.

Sen. ROCK: If I take the 7 million off, I'll deduct that for a moment. Let's go then to \$10 residence tax, you don't have.

Sen. TROWBRIDGE: No, that's gone.

Sen. ROCK: Workmen's compensation revision, 1.3 million. Sunday liquor stores 2.4, and legislative fund lapsed 300,000. So if I deduct the 7 million from my list, I have 42 million in new revenues and what do you have?

Sen. TROWBRIDGE: I have 54 million. And that leaves me with 1.2.

Sen. ROCK: Is there any area in which the committee of conference can look at an overview of all of the state department budgets and say let us do some cutting. I am hearing from people all around the state that while the employees need a raise and they don't object to that we may be fat in areas where we could do some cutting and effect some savings. Nobody seems to want to say let us do some savings. I understand what you are saying, the Governor hasn't given you a formula to do it but isn't there any area where we could also save even raise 42 million in new revenue to try to come up to the level that you ought to be able to bend a little bit and come down to the level.

Sen. TROWBRIDGE: But the level can't be that big. Senator Rock, you were with me in Senate Finance as we went through every single PAU, all 8 of us were there, we went marching through the budget I think I was the one who proposed as many of the cuts as anyone. So it was not that I was not trying to find and we sunseted for Howard Townsend that night, the bass program, we went through, you have been through the entire budget. I have been through the budget six years in a row now. If I knew of places that you could cut—I know where you can cut, you can cut out WENH TV, 600,000. I defy you to see what the reaction will be if you do that. You can cut, the ramifications on every cut that we have made, we cut out about 1 million dollars total out of the whole thing as the senate went through. That's a lot of money. You should see the flies buzzing around trying to get that stuff back in. It is very difficult to cut.

Sen. ROCK: Did we cut anything out of the welfare budget for the second year assuming that Arthur Drake and his fiscal expertise would be able to save us some money after the first year?

Sen. TROWBRIDGE: No, Arthur Drake had already calculated into his formula that he was having no rise in the second year. This was the first time ever that we haven't had a rise in the second year. So we are already

cashing in on Arthur Drake's yet to be demonstrated expertise.

Sen. ROCK: Is it not a possibility that if we were to enact an increase in the residence tax of \$10 and a footnote Sunday sales both of which you agree are a possibility although the degree of possibility we differ that we would not need the multiple bill that is before us that was sent to us by the House with a title that we have already dealt with and don't want to deal with again?

Sen. TROWBRIDGE: There is no question that if you point 9.4 million back in here, I have already got Sunday liquor in my calculations, so that is no help, then I would then be 2 million short and I am sure that we could get 2 million.

Sen. ROCK: How about if we cut just half of what the Governor recommended instead of 6, we cut 3½?

Sen. TROWBRIDGE: Well we would do it in selected areas. You would have to do it in selected areas. You throw too many things off. The point of the matter is that I don't see us having the 9.4 million from the head tax and if that is true then we will be cutting out 12 million and 12 million happens to be the exact amount of the pay raise. I really, I caution you, why not bring in and vote on the three elements. That is all I am asking you to do.

Sen. DOWNING: Mr. President, I rise in opposition to the pending motion. I think that we have got things a little out of perspective here in getting into a lengthy discussions of the budget and so forth. The basic thing here that we should be considering is the flagrant, nothing short of flagrant, attempt by the House to circumvent the rules of the Senate. Now they had a bill, it was a legitimate bill and should have been forward onto this body for its consideration on the soda pop bill. They didn't send it as they had it, they didn't even amend it as they had it. They amended the bill, eliminated it completely and replaced it with a bill that this body has taken action on, reconsidered that action, and reconsideration was denied, and made that the main bill. Then they added on the soda pop bill as an amendment and then they added on another measure which is in possession of this Senate

and if this body wanted to do something with it it could. Now we have rules, we are getting into the closing days of this thing and if we can't abide by our own rules we are going to have absolute chaos around here. Now there shouldn't be any consideration on this matter, recognize it for what it is. Give the House the opportunity to recall it and do the right thing, take the amendment off, let the Senate conduct its business according to its rules without any interference by them, and if they want to send in the soda pop bill the way it ought to come in, let them send it in. But that wasn't their first choice. And I will remind you again, it wasn't their first choice. They eliminated the soda pop bill and replaced it with a bill that we have already acted on. Then as an afterthought they put the soda pop bill back on there. Then they thought of another one and they put that on there, another one in which we have possession here. Now I don't think we ought to buy it, I don't think we ought to have anything to do with this bill, we ought to send it back to the House if that is possible. If you defeat this motion they'll make an inquiry of the chair and the proper procedure from there is to get the message back to the House, or refuse the message and put the responsibility where it belongs. Right in the House of Representatives. When you are developing a budget, a revenue bill, the constitution says it all has to start there and let them be responsible, let them develop the measures that they want us to consider, stop playing games. The responsibility is their's—if they want to send us a clean bill we can take it, and do with it what we will with it. They just want to play games and send us this Mickey Mouse arrangement, I don't think we ought to tolerate it for one second. The best thing that we can do is abide by the rules and ask them to do the same also. Reject this, reject the measure, if you want to send this to us clean and in the proper form and do the responsible thing, then fine, we'll entertain it then. I urge you to defeat this pending motion.

Sen. TROWBRIDGE: Senator, couple of questions. If I have a HB 1200 came in as I sponsored it with the soda pop, would you make a commitment to the Senate that that bill

would be expedited on the floor?

Sen. DOWNING: Ideally that decision can be made today, I can give the notice of public hearing tomorrow morning and report it out tomorrow. That would be the ideal situation.

Sen. TROWBRIDGE: Are you contemplating because we never have refused a bill that I know of, are you contemplating some special message back to the house that would be perhaps voted on by this body indicating the reason for refusal so that it is something that can go in the journal and can be . . . You said I'll get to the President and give him a message, I was wondering if you wanted that message voted on here?

Sen. DOWNING: Not necessarily, I think I would rely upon the guidance of the chair relative to that. And once he had the sentiment of the body and he felt that he could capably develop a proper message to go back to the House, that would be acceptable to me. If not and we had to develop one here then that would be an alternative.

Sen. ROCK: Senator we have to realize the delicate position our committee of conference members are in at this time and it is as you very clearly stated, late in the ballgame, and I have to subscribe to the views that you expounded, that we should be dealing with these one at a time. But isn't there any way to follow up Senator Trowbridge's question, that we can tell the House, that the Senate is willing to act responsibly, that the Senate is willing to consider revenue measures, that the Senate has at least indicated its willingness to consider head tax measure which the House has never given us that opportunity to do. Isn't there a way that we can be more forceful in our message back than to merely send this thing along and say we have rejected it?

Sen. DOWNING: I think my response would be the same as it was to Senator Trowbridge, I would first of all, look to the chair for guidance of a proper message. Only if the chair felt that a proper message could be developed without guidance from the body. In that case, then I would say, yes, we should develop a message.

Sen. ROCK: Without a vote, some kind of a concrete vote, how can he add impact to his message because he would not have the force of a senate message behind him?

Sen. DOWNING: I think any time the President of this body issues a message, all the force of this body is behind him.

Sen. BRADLEY: Senator Downing, I think I understand and appreciate your point on this. I don't quite know why you are objecting to the committee of the whole could do is to one, formulate an appropriate message, two, take a consensus kind of vote on how they feel on each individual one, how the Senate feels about getting a clean soda pop bill and those sorts of things so that the message could go back to the House in very clear feel on each individual one, how the senate feels about getting a clean soda pop bill and those sorts of things so that the message could go back to the house in very clear terms. What would be wrong with going into the committee of the whole for that kind of purpose and do you see that as defeating your concerns.

Sen. DOWNING: I don't think that that is recognizing this entire matter for what it is. I don't think that this body should consider this matter. I don't even think it should entertain a motion to entertain a motion to send it to a committee of the whole. That, in my opinion, is a positive action and it should require a 2/3rds vote. We have dealt with this matter. The prime matter has been dealt with. The house doesn't deserve this body to go into a committee of the whole to discuss this matter because they put it before us. I think it lends credibility to what they did.

Sen. Bossie requested a roll call. Seconded by Sen. Fennelly.

The following Senators voted yea: Smith, Gardner, Bradley, Jacobson, Blaisdell, Trowbridge, McLaughlin, Sanborn.

The following Senators voted nay: Lamontagne,

Poulsen, Bergeron, Saggiotes, Monier, Rock, Keeney, Hancock, Healy, Provost, Brown, Bossie, Fennelly, Downing, Preston, Foley.

8 yeas 16 nays

Motion failed.

Sen. DOWNING: Does the chair have any difficulty in forming a proper message to accompany this bill, send it back to the house with the concern of the senate attached to it.

The CHAIR: The chair would like to state that the parliamentary procedure with respect to HB 1200 is as follows: the bill was admitted under the rule 12A. The bill then came to the house as HB 1200. The house did amend the bill and sent a message to the senate. The senate message was read. Now the procedure and I know of no precedent against it, that the bill be read a first and second time and referred to a committee. On receiving the message the chair ruled that the bill as it stands must require a 2/3rds vote. There has been to the chair's knowledge, no violation of rules. The chair is following the rules of the senate that a bill which has been sent to study, reconsidered and reconsideration lost, that any further consideration of that bill or the subject thereof would require 2/3rds vote of the members present and voting. That is the position of the chair with respect to the bill's procedure and the chair is of the view that all precedence would support his view. However, the chair will entertain a motion which would require the chair to send a message to the house on whatever subject the senate so wishes.

Sen. DOWNING: What should the position of the bill be while that type of communication is going on?

The CHAIR: The chair infers that there would be a message that would relate to the nature and character of the bill, the chair would then suspend first and second reading until such time that an answer is received.

Sen. DOWNING: Would it be possible to lay a matter

on the table with the condition that it not be removed from the table with less than the 2/3rds vote of the body until such time?

The CHAIR: Under the rules of procedure, it would be possible on first reading of the bill to entertain a motion and there are precedents for that in this senate, to lay the bill on the table. However, a motion that would include a 2/3rds vote would have to require a suspension of the rules since laying on the table is a motion that only requires a majority vote. So such a motion, unless there was a suspension of the rules, would be in violation of our own rules.

Sen. BRADLEY: Wouldn't it be possible to suspend the rules, to put the bill back at the point where it was when it came through the door, and then refuse to accept that bill?

The CHAIR: The chair knows of no precedence that one body can refuse the messages of another body. It is part of our joint rules at the present time and all of the precedents are in that direction. Furthermore, the constitution by inference assumes that the action of one house is received by the other house.

Sen. BRADLEY: Would it be possible to get the bill onto second reading quickly, divide the question so that only one part of the bill is left so that only one part of the bill gets acted on? In connection with sending the message back, that is what we have done.

The CHAIR: It is possible to take that motion on second reading.

Sen. MONIER: At the present time this bill is in your hands, the Senate has really taken no affirmative action to it, correct?

The CHAIR: There has been no action except to receive the message.

Sen. MONIER: Any affirmative action, according to the ruling, would take 2/3rds vote, correct?

The CHAIR: That is correct.

Sen. MONIER: You keep talking about moving it to first and second reading. Is that an affirmative action?

The CHAIR: No.

Sen. MONIER: There is no motion necessary for that?

The CHAIR: No.

Sen. MONIER: If it is left with you and a motion was given to you with respect to a motion to return that bill or a message to return a message to be returned to the house, that bill could stay right where it was until such time as that message was made, given and you had received an answer, Is that correct?

The CHAIR: There is no particular time required for introduction of the bill.

Sen. MONIER: Is the chair aware of the fact that in the house at the present time, there are other revenue bills that have not been indefinitely postponed by them.

The CHAIR: The chair does not have certain knowledge of that but he understands that that is the situation.

Sen. MONIER: Is it not correct that any part of this bill that the House upon receiving a message with respect to our concern regarding the way that this bill has been put together, is it not correct that the House could at any time utilize a bill or a vehicle that they have to amend it and send to us any portion of this bill?

The CHAIR: The bill is presently in the possession of the Senate. The House can with any bill it has, put any portions of this bill on any other bill that it may have, which has been entered under rule 12A.

Sen. MONIER: Is it not correct that any action we were to take on this bill regardless of it, that the other body could easily attach to any revenue measure they now have, any portion of this bill, which I think you just responded to, and I wanted to put it in a different way.

The CHAIR: The chair would state, to the best of his knowledge, the rules of the house would permit that.

Sen. MONIER: If we take an action to deliver them a message, or we take no action, which in a sense delivers a message, then the truth of the matter is, if they recognize what our concern is, with respect to the manner in which this bill came to us, they could by being responsible, put that portion on that we are not unwilling to take under a 2/3rds vote and pass it to us?

The CHAIR: That is correct.

Sen. TROWBRIDGE: They could only put it on to a bill that has been entered through joint rules on 12A. They could not take a bill that they had indefinitely postponed, back.

Sen. MONIER: Senator, am I not correct, that there are presently inexpedient to legislate, not indefinite postponement, at least two such revenue bills in the house which were admitted under the joint rules?

Sen. TROWBRIDGE: I think there is one that I know of.

Sen. SANBORN: Mr. President, we have been arguing this for I don't know how long and we seem basically to be arguing a ruling of the chair.

Sen. DOWNING: Would a motion inexpedient to legislate be considered a positive motion under these conditions?

The CHAIR: A motion of expedient would be an affirmative action in the negative sense. In other words it would be a decision.

Sen. MONIER: I want to make certain that it is clear on the record that the house has action that they can take and can't turn around and say we are irresponsible when they sent a bill over with this mismatched combination. Is it not correct that if we take no action, at this time, just leave it in limbo and prepare a message, that the house can recall this bill?

The CHAIR: The chair will state that there is no procedure available for recall from one House to another.

Sen. Downing moved that HB 1200 in its present form not be allowed on first and second reading at the present time and that this message be sent to the House.

Sen. DOWNING: I think we have to do something with this Mr. President, and the majority of the senate doesn't want to do anything with it. We have a soda pop bill ahead of us we can act on it, but I don't think the senate has any intention of doing anything with this bill and the less it gets involved with the happier they are going to be

until the house straightens it out. I would like to give the house every opportunity to do the right thing. I just can't see progressing any further with a first reading, or anything else. The message has to get back to the house very clearly. It is strange in the house you don't get this type of discussion, the chair makes the decision. We had a decision come in here today. Good gracious, that the forensic unit wasn't related to insanity laws. The chair over there made that decision as not germane. It just sent it back. We see Senator Bossie's bill, indefinitely postponed. Never offered and told it takes a 2/3rds vote to suspend the rules. The chair made the decision, they are not going to let it in. I don't know how, but the shortest route to get the message to the house, that this body is not going to fall for that act that they put this thing before us. We expect them to abide by the rules, to recognize our rules. I think we stop it right here. Mr. President, I think if you can communicate the feeling of this body to the Speaker of the House, we rely upon you to do it.

Sen. ROCK: My concern Mr. President would be what force this action would have. Does the motion by Senator Downing have the force of indefinite postponement which would preclude us from considering an issue such as Sunday sales if it were footnoted in the budget?

Sen. Bossie moved the previous question.

Adopted.

Motion adopted.

Recess.

Out of Recess.

HOUSE RETURNS BILL HAVING RULED SENATE AMENDMENT TO BE NONGERMANE UNDER HOUSE RULES

HB 502, making an appropriation for construction of a facility for the criminally insane on the grounds of the New Hampshire hospital.

Sen. Monier moved that the Senate nonconcur with the return of HB 502 to the senate.

Sen. MONIER: Mr. President this bill which I think the senate well remembers came into capital budget as a forensic unit and request for a new forensic building. My understanding is that the Speaker of the House ruled and sent back this senate amendment on the basis that it was nongermane. The amendment if you remember was the changing or the updating of the insanity laws to the point where it provided or forced the defendant to prove his reason of insanity at the time of his charge rather than the other way around in which the state was forced and is now forced by our current insanity laws, to prove that he is still dangerous. Two things were that 1) it required therefore that a court would declare the man innocent of the charges against him and 2) that the state would every two years, according to the most recent court ruling, to update and prove the man remains dangerous or he had to be freed. Now to pretend that revamping our state's insanity law and thus possibly reducing the numbers of incarcerated forensic patients, was not germane to the question of how large a forensic unit we needed in this state and thus how much the taxpayers would be charged is not only foolish but to me smacks of personal interest on the part of Representative Roberts. We should remind ourselves that the original forensic unit was sponsored by Representative Roberts pushed and fought for as a large, expensive and new forensic unit. This seems to be a part of his personal campaign to build, as far as I am concerned, another Roberts Palace. I object to this high-handed ruling on the part of the Speaker of the House. against legislation that he feels seems to thwart his efforts to build this expensive and what most of us consider, unnecessary forensic unit. As we well know, the current New Hampshire insanity laws allows defendants to be incarcerated as criminally insane, found innocent of the charge and then the state has to continually prove that they remain dangerous or let them free. The new updating would have required that the defendant through legal test-

ing would have to prove that he was insane before he could be committed. Now the rule that that is not germane to a piece of legislation that is dealing with a forensic unit is too me a politically flagrant violation of some kind of personal reason.

Adopted.

Sen. Sanborn in the Chair.

FURTHER COMMITTEE OF CONFERENCE REPORTS

Committee of Conference Report on HB 1083

The committee of conference to which was referred HB 1083, An Act relative to time of day electric utility rates, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Commission to Conduct Experiment.

I. The public utilities commission shall conduct an experimental program of time-of-use and time-of-day rates, as defined in RSA 378:7-b. Said experimental program shall be conducted using industrial customers of electric utilities exclusively. Within 60 days after the effective date of this section, said commission shall, by regulation promulgated for the purpose, cause all electric utilities under its jurisdiction to notify their respective industrial customers of the program mandated hereunder. Such notice shall be by advertisements, supplied and paid for by the electric utilities, which inform the industrial cus-

tomers of the program and of the fact that they may apply to the commission and be considered by the commission for participation in said program.

II. From the applications received by the public utilities commission from industrial electric customers who have responded to the advertising mandated by paragraph I of this section, the commission shall choose 5 industrial customers to participate in said program. Said commission shall choose one industrial customer from each of the following 5 categories: (a) industries employing 10 to 99 people; (b) industries employing 100 to 249 people; (c) industries employing 250 to 499 people; (d) industries employing 500 to 999 people and; (e) industries employing 1,000 or more people. To the extent reasonably possible, the commission shall choose industrial customers from differing geographical areas of the state and from differing fields of industrial endeavor.

III. The commission shall conduct the experimental program mandated by this section for a period of 2 years. During that period, the industrial customers in the program shall make periodic reports to the commission, at intervals to be determined by the commission. Said reports shall detail the overall effect of the experimental rates on the specific customer's operations, costs and any other matters that the commission determines. At the end of the stated 2 year period, the commission shall compile the results of the program and publish them.

IV. The experimental program mandated by this section is in no way intended to preclude the public utilities commission from conducting any other electric rate experiments that it has already undertaken or may undertake in the future.

3 Effective Date.

I. Section one of this act shall take effect November 1, 1977.

II. Section 2 of this act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. William E. Sanborn, Dist. 17; Laurier Lamontagne, Dist. 1; Robert

Fennelly, Dist. 21.

Conferees on the Part of the House: Reps. Malcolm Taylor, Graf. 9; Leonard A. Smith, Hills. 14; Sarah P. Voll, Straf. 4; Nancy J. Proctor, Ches. 14.

Sen. Lamontagne moved to adopt the committee of conference report on HB 1083.

Sen. LAMONTAGNE: Mr. President, the committee met and decided that the industry could, through the PUC, try the time-of-day rates. That is all this amendment does.

Adopted.

Committee of Conference Report On HB 616

The committee of conference to which was referred House Bill 616, An Act increasing certain fees charged by state agencies, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend section 108 of the bill by striking out same and inserting in place thereof the following:

108 Annual Hotel License. Amend RSA 178:5 (supp) as amended by striking out in line 2 the words "one hundred twenty-five dollars" and inserting in place thereof the following (\$175) so that said section as amended shall read as follows:

178:5 —Fees For. The annual fee for each license as provided in RSA 178:3 shall be \$175.

109 Radiation Fees. Amend RSA 125:62, V (supp) as inserted by 1965, 336:2 as amended by striking out said paragraph and inserting in place thereof the following:

V. The agency shall assess annual fees for the licensing and/or registration of sources and devices emitting ionizing radiation in accordance with the following schedule:

(a) Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, \$55;

(b) All other specific special nuclear material licenses except those licenses covered in subparagraphs (o), (p), (q), (r), (s), (t), (u), and (v) of this paragraph, \$165;

(c) Licenses for source material for use in milling operations and licenses for refining mill concentrates to uranium hexafluoride, \$11,000;

(d) Licenses for source material in quantities greater than 50 kilograms except licenses for storage only and licenses for use only of source material in counterweights, \$150;

(e) All other specific source material licenses except those licenses covered in subparagraphs (o), (p), (r), (s), (t), (u) and (v) of this paragraph, \$90;

(f) Licenses of broad scope, type A, for possession and use of radioactive material for processing or manufacturing of items containing radioactive material for commercial distribution that require product safety evaluation, \$2,200;

(g) Licenses of broad scope, type A, for possession and use of radioactive material for processing or manufacturing of items containing radioactive material where no product safety evaluation is required, \$1,000;

(h) Licenses for radioactive material issued for industrial radiography operations at one location, \$300;

(i) Licenses for radioactive material issued for industrial radiography operations at more than one location, \$545;

(j) Licenses for possession and use of radioactive material in quantities of less than 10,000 curies in sealed sources for irradiation of materials, \$100;

(k) Licenses for possession and use of radioactive materials in quantities of 10,000 curies or more in sealed sources for irradiation of materials, \$195;

(l) Licenses issued to distribute items containing radioactive material or quantities of radioactive material to persons generally licensed, except specific licenses authorizing redistribution of items which have been manufactured under a specific license and licensed by the agency, the U.S. Nuclear Regulatory Commission, or any state with which the U.S. Nuclear Regulatory Commission has entered into an agreement under subsection 274b of the Atomic Energy Act of 1954 (68 Stat. 19), or redistribution of items which has been imported under a specific license issued by the U.S. Nuclear Regulatory Commission, \$365;

(m) Licenses for possession and use of radioactive material for research and development except those licenses covered in subparagraphs (f) or (g) of this paragraph, and licenses covered in subparagraphs (t) or (u) of this paragraph authorizing medical research, \$250;

(n) All other specific radioactive material licenses except those in subparagraphs (o), (p), (q), (r), (s), (t), (u) and (v) of this paragraph \$45;

(o) Waste disposal licenses specifically authorizing the receipt of waste radioactive material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land by the waste disposal licensee, \$3,250.

(p) Waste disposal licenses specifically authorizing the receipt of waste radioactive material, source material, or special nuclear material from other persons for the purpose of commercial disposal by the waste disposal licensee by transfer to another person authorized to receive such material, \$450;

(q) Licenses for possession and use of special nuclear material and radioactive material for well logging, well surveys, and tracer studies, \$295;

(r) Licenses for commercial collection and laundry of items contaminated with radioactive material, source material, or special nuclear material, \$365;

(s) Licenses issued for human use of radioactive material, source material, or special nuclear material in sealed sources contained in teletherapy devices, \$145;

(t) Licenses issued to medical institutions or 2 or more physicians for human use of radioactive material, source material, or special nuclear material except licenses covered in subparagraph (s) of this paragraph \$180;

(u) Licenses issued to a physician for human use of radioactive material, source material, or special nuclear material except licenses covered in subparagraph (s) of this paragraph, \$75;

(v) Licenses for possession and use of radioactive material, source material, or special nuclear material for civil defense activities, \$40;

(w) Registrations issued for diagnostic-type x-ray machine, including medical, medical fluoroscopic, dental, chiropractic, veterinary, or similar uses, \$20; for each additional machine at the same location, \$10;

(x) Registrations issued for therapeutic-type x-ray machines and particle accelerators capable of being operated at potentials not above 500,000 volts (per unit), \$45;

(y) Registrations issued for therapeutic-type x-ray machines, and particle accelerators capable of being operated at potentials above 500,000 volts (per unit), \$175;

(z) Registrations issued for industrial x-ray machines, including fluoroscopic, x-ray fluorescence, and x-ray diffraction units (per unit), \$45.

110 Radiation Combination License. Amend RSA 125:62, VI (supp) as inserted by 1965, 336:2 as amended by striking out said paragraph and inserting in place thereof the following:

VI. Any person or organization may elect to pay a combination license and registration fee of \$550 in lieu of a multiplicity of separate license and/or registration fees, except for license fees covered in subparagraphs (c), (f), (g), and/or (o) of paragraph V. The combined fee shall cover all specific licenses and/or registrations issued to the person or organization for uses at one location or address by the agency.

111 Fee Flexibility Provided. The comptroller shall, not

later than January 1, 1979 review the disposition of revenue raised by each of the various fees increased under the provisions of this act and shall report his findings to the house executive departments and administration committee and the senate executive departments, municipal and county governments committee and, with their concurrence, shall, to the extent it is determined that any of said fees materially exceeds the direct and incidental costs of administering the program or agency to which it applies, reduce said fee proportionately.

112 Severability. This act shall be construed in all respects so as to meet all constitutional requirements. Except as expressly provided, this act shall not affect the interpretation of other laws. If any provision or clause of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act, and to that end, the provisions of this act are declared to be severable. Each section of this act shall be separable from all other sections hereof and the nullification of any section from this act shall have no effect on the remaining sections of this act.

113 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate: Sens. Ward B. Brown, Dist. 19; William Sanborn, Dist. 17; Delbert Downing, Dist. 22.

Conferees on the Part of the House: Reps. Marshall French, Belk. 1; Kenneth Smith, Carr. 3; Ethel Canney, Straf. 2; Helene Donnelly, Straf. 17.

Sen. Downing moved to adopt the committee of conference report on HB 616.

Sen. DOWNING: This is the bill that increased all of the fees. The committee of conference put in a couple of fees that were overlooked. One was in the bill and needed to be adjusted on liquor license. They adjusted

that. The other fees that were adjusted and should have been put in were put in and then the constitutionality of the bill; there was a clause put in that said if any one part of it is declared unconstitutional it doesn't affect the other parts of it. Also it had a provision in there that by January 1979, the comptroller will have done a survey and report to the joint House and Senate Executive Departments, Municipal or County Government committees as to whether it is in balance, equalizer or there is some inequity that exists. There will be a subsequent action on that. I urge you to accept the report.

Adopted. (Sen. Fennelly recorded in opposition.)

Committee of Conference Report On HB 529

The committee of conference to which was referred House Bill 529, An Act relative to reimbursing victims of violent crimes and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. William E. Sanborn, Dist. 17; James A. Saggiotes, Dist. 8; Robert F. Bossie, Dist. 20.

Conferees on the Part of the House: Reps. Josephine C. Martin, Hills. 10; Mark Bodi, Merr. 7; Arthur Perkins, Merr. 18; Richard L. Poulin, Coos. 9.

Sen. Saggiotes moved to adopt the committee of conference report on HB 529.

Adopted.

Committee of Conference Report on HB 845

The committee of conference to which was referred House Bill No. 845, An Act revising the access to public records law, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend RSA 91-A:2, II as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

II. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions shall be promptly recorded and open to public inspection within 72 hours of the public meeting, except as provided in 91-A:6 of this chapter, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including an executive session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the body or agency who shall employ whatever

means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives shall be sufficient notice. If the charter of any city or guidelines or rules of order of any body or agency described in section 91-A:1 requires a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

Conferees on the Part of the Senate: Sens. David Bradley, Dist. 5; Ward Brown, Dist. 19; Robert Preston, Dist. 23.

Conferees on the Part of the House: Reps. Arthur Perkins, Merr. 18; Douglas Aller, Rock. 13; James Carpenito, Rock. 5; Thomas Pappas, Hills. 18.

Sen. Bradley moved to adopt the committee of conference report on HB 845.

Sen. BRADLEY: The committee of conference only involves that second sentence of roman numeral 2. The Senate added the phrase, no vote while in open session may be taken by secret ballot and several Senators raised what I consider to be good questions about secret balloting in town meetings, or selecting the secretary of state, so the committee of conference kicked around that problem and the only things that we could think of were secret written ballots in open session where town meetings, school district meetings and the like. So we have rewritten that sentence to say that except in those cases, no vote will be taken in open session by secret ballot. That does not prevent you from going into executive session for any of the listed purposes and holding all the secret ballots that you want.

Sen. MONIER: Senator Bradley you and I have just discussed this. May I as a matter of record, inquire of

you? It is your opinion that this, amendment does not affect the fact that the legislature is not bound by this except for the certain rules of voting and so forth, and may still go into executive session for deliberation?

Sen. BRADLEY: The right to know law does not bind the legislature. We conform to it only voluntarily. We decide not to conform there is nothing that can happen.

Sen. MONIER: Are you aware that within the last few days there have been comments about 845 being held in committee and I would like that on the record, that it was not, but rather also that there has been criticism of the fact that an executive committee in the legislature held a meeting, voted to hold it in quiet and voted on their bills so they wouldn't be pestered and that that has been criticized? That does not fall within the prerogatives of the right to know law?

Sen. BRADLEY: Right.

Sen. MONIER: Last but not least, if they took a recorded vote, is that not in conformity to the right to know law?

Sen. BRADLEY: Even if the right to know law applies you can still go into executive session to deliberate anything.

Sen. MONIER: And you may vote to close that, correct?

Sen. BRADLEY: Yes. Then there is also a provision in there, if the right to know law applies to the legislative session, legislative committees to close it in addition.

Sen. MONIER: Do you suppose we ought to hold a symposium for news media so that they understand that the right to know law says with reference to our closed meetings and some of our own Senators who don't seem to understand it?

Sen. ROCK: Senator Bradley I think I understand what you are trying to do and I think that I approve of what you are trying to do and to help me make a final decision, is it your interpretation that you may go into executive sessions under the right to know law and take votes in executive session?

Sen. BRADLEY: Yes. There are four or five categories

which permit you to go into executive session to take action and/or receive testimony, such as: the hiring and firing of an individual. So if you get into executive session of that type, you can take action and obviously you could take a secret ballot if you wanted to. You can also go into executive session for any purpose so long as you simply limit your activity to deliberation and you don't receive testimony and you don't take action.

Sen. ROCK: If I were a member of a school board for instance, and we were considering two candidates for principal of a school and we went into executive session and deliberated on the candidates and their merits and listened to testimony regarding their moral turpitude whatever, and we came out of executive session and there were nominations for principal and principal A and B were both nominated, could you vote for them on a secret ballot in that open session?

Sen. BRADLEY: I think that is an election, I would read it as such which you could make secretly.

Sen. ROCK: An appointment?

Sen. BRADLEY: I think that the statutes are pretty clear that principals are teachers and that teachers get elected. That term is used in the statute. I would think that you could make that election secretly notwithstanding this section. Clearly you can do it under existing law.

Sen. MONIER: It says when a meeting of the legislative committee is held publication made pursuant to the rules of the House of Representative shall be sufficient notice. One of the problems that has occurred, once again is that any infringement upon the fact that executive sessions may be have to be called in the last two or three weeks by announcement here on the floor or by announcement for a hearing because of the time constraints. Do you find that to have any restrictions?

Sen. BRADLEY: No.

Adopted.

Committee of Conference Report on HB 764

The committee of conference to which was referred House Bill 764, An Act expanding the penalty provision relative to an overloaded vehicle, having considered the same, report the same with the following recommendations:

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Manufacturers' Certified Weight. Amend RSA 263:61 by inserting after paragraph VI the following new paragraph:

VI-a. Three or 4 axle vehicles with drive on 2 rear axles and having a manufacturers certification up to 70,000 pound gross weight capacity, may be operated on highways of this state upon payment of a \$500 annual operating fee.

3 Penalty. Amend RSA 263:69 (supp) as amended by striking out said section and inserting in place thereof the following:

263:69 Penalty for Exceeding Permitted Size or Weight.

I. Any person who shall operate or cause to be operated on the highways of this state a vehicle whose height, size or weight is in excess of that herein prescribed shall be guilty of a misdemeanor for the first offense, and for any subsequent offense, shall be guilty of a misdemeanor if a natural person, or guilty of a misdemeanor if any other person.

II. Notwithstanding the provisions of paragraph I, any person who violates RSA 263:61, VI-a shall be guilty of a misdemeanor for the first offense, and for the second or subsequent offenses, shall have his operators permit revoked for one year.

5 Operation of Platform Scales. Amend RSA 263:61 by inserting after paragraph XIV the following new paragraph:

XV. The department of safety shall operate the platform fixed scales at the weigh stations located in Windham and Lebanon. Such weigh stations shall be staffed and operated 40 hours per week in a 7-day period. The specific hours of operation shall be set at the discretion of the commissioner of safety.

5 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. Andrew Poulsen, Dist. 2; Laurier Lamontagne, Dist. 1; Robert Fennelly, Dist. 21.

Conferees on the Part of the House: Reps. James Murray, Belk. 5; K. Michael Tavitian, Rock. 9; Roger Wallace, Hills. 22; W. Murray Clark, Graf. 5.

Sen. Poulsen moved to adopt the committee of conference report on HB 764.

Adopted.

Sen. Jacobson in the Chair.

Committee of Conference Report on HB 433

The committee of conference to which was referred House Bill 433, An Act to create and provide police powers for the security forces at certain state institutions, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 135:43, I, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. The superintendent of New Hampshire hospital shall require that all employees hired as security officers subsequent to the effective date of this subdivision and all security officers who have not become permanent employees prior to the effective date of this subdivision complete a program of police training as established by the police standards and training council pursuant to RSA 105-A and as appropriate to such officers' exercise of limited police powers, provided such program does not exceed 2 weeks in duration.

Amend RSA 126-A:30-c, I, as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. The superintendent of Laconia state school shall require that all employees hired as security officers subsequent to the effective date of RSA 126-A:30-a - 30-c and all security officers who have not become permanent employees prior to the effective date of said sections complete a program of police training as established by the police standards and training council pursuant to RSA 105-A and as appropriate to such officers' exercise of limited police powers, provided such program does not exceed 2 weeks in duration.

Amend RSA 8:30-c, I as inserted by section 4 of the bill, by striking out same and inserting in place thereof the following:

I. The director of the division of purchase and property shall require that all employees hired as security officers subsequent to the effective date of RSA 8:30-a - 30-c and all security officers who have not become permanent employees prior to the effective date of said sections complete a program of police training as established by the police standards and training council pursuant to RSA 105-A and as appropriate to such officers' exercise of limited police powers, provided such program does not exceed 2 weeks in duration.

Amend RSA 188-A:3-c, I, as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

I. The director of the New Hampshire Technical Institute shall require that all employees hired as security officers subsequent to the effective date of this subdivision and all security officers who have not become permanent employees prior to the effective date of this subdivision complete a program of police training as established by the police standards and training council pursuant to RSA 105-A and as appropriate to such officers' exercise of limited police powers, provided such program does not exceed 2 weeks in duration.

Amend RSA 622:38, as inserted by section 3 of the bill, by striking out same and inserting in place thereof the following:

622:38 State Prison Security Force. The warden of the New Hampshire state prison is authorized to organize a prison security force, consisting of members of the prison's correctional line personnel, for the purpose of patrolling the prison's buildings, roads, and grounds and providing for general security at the prison provided that no individual of the correctional line personnel shall spend more than 10 percent of his work time on patrol duty authorized hereby. The prison security force shall be under the control of and responsible to the warden of the prison.

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Exclusion from Group II Specified. Amend RSA 100-A:1 by inserting after paragraph VII the following new paragraph:

VII-a. Notwithstanding the provisions of paragraph VII of this section, no security officer appointed pursuant to

RSA 8:30-a, RSA 126-A:30-a, RSA 135:41 or RSA 188-A:3-a shall be construed to be a group II member of the retirement system.

7 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate: Sens. Ward B. Brown, Dist. 19; Robert B. Monier, Dist. 9; John H. McLaughlin, Dist. 13.

Conferees on the Part of the House: Reps. Milton A. Cate, Merr. 14; Stephen H. Krause, Ches. 8; Margaret A. Ramsey, Ches. 5; Richard A. Patenaude, Coos. 7.

Sen. Brown moved to adopt the committee of conference report on HB 433.

Sen. BROWN: In paragraph 1 this bill the only thing that has been added is in each not to exceed two weeks in duration.

Adopted.

Committee of Conference Report On HB 559

The committee of conference to which was referred House Bill No. 559, An Act relative to the reorganization of the New Hampshire transportation authority and prohibiting the removal of railroad track related structures, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House and pass the bill as so amended:

This committee of conference on HB 559 wants its intent to be recorded that the formation of this transporta-

tion authority shall not preclude the formation of a transportation department in the future.

Amend RSA 21-D:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-D:2 New Hampshire Transportation Authority. There is hereby established an agency of the state to be known as the New Hampshire transportation authority. The management of such agency shall be vested in a board of 5 directors, who shall be appointed by the governor with the advice and consent of the council, one member shall represent an active railroad shipper, one member whose active executive employment is in highway passenger transportation and 3 members shall be from the general public. Not more than 3 of such members shall be of the same political party. Each member shall hold office for a term of 3 years and until his successor is appointed and qualified, except that of the members first appointed to the board, 2 shall be appointed for a term of one year, 2 for a term of 2 years and one for a term of 3 years. The chairman of the board shall be elected by the board. Each member of the board shall be compensated in the amount of \$50 per day for each day spent in the performance of duties hereunder, and shall be allowed his necessary travel and expenses in the performance of such duties. Members of the board may be removed from office in the manner prescribed in RSA 4:1. The board shall be furnished appropriate offices in the state house or elsewhere, as the governor and council shall determine.

Amend RSA 21-D:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-D:4 General Powers. The board of directors shall adopt and may from time to time amend bylaws governing their procedure, and adopt a seal, and shall cause records of their procedure to be kept. All property of the

agency and all property held in the name of the state and under the jurisdiction of the agency shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same. Notwithstanding any other provision to the contrary, no property, real or personal, held by the authority or the state pursuant to the provisions of this chapter, shall be subject to any state, county or local tax.

Amend RSA 21-D as inserted by section 1 of the bill by inserting after section 4 the following new section:

21-D:5 Funding of Legal Services. Such sum as may be appropriated for use by the office of the attorney general for the benefit of the railroad division of the authority and such federal funds as may be available to the transportation authority for legal services and as may be transferable to the office of the attorney general for the provision of legal services, may be expended by the attorney general for retention of outside counsel and to offset the costs of legal services provided by the attorney general, in such proportions as the attorney general and the directors of the authority may agree.

Amend RSA 21-E:10 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-E:10 Title to Property of Railroads. The authority is hereby authorized to take whatever steps are necessary in order to determine the absolute fee simple title ownership of all such rail properties of any railroad within the state of New Hampshire. Such determination is to include the status of such rail properties with respect to easements, rights-of-way, leases, reversionary rights, fee simple title ownership, and any and all related title matters. The authority may retain such experts or other assistants as may be necessary to make these title determinations.

Amend RSA 21-F:4, VII as inserted by section 1 of the

bill by striking out same and inserting in place thereof the following:

VII. Employ engineering consultants, accountants, construction, financial, transportation and traffic experts and consultants, superintendents, managers and such other officers and employees as may be necessary in its judgment.

Amend section 9 of the bill by striking out same and inserting in place thereof the following:

9 Effective Date. Sections 1 through 7 of this act shall take effect August 1, 1977 and section 8 of this act shall take effect upon its passage.

Conferees on the Part of the Senate: Sens. Andrew Poulsen, Dist. 2; Alan Rock, Dist. 12; Walter Healy, Dist. 16.

Conferees on the Part of the House: Reps. John Hoar, Rock. 8; Carl Gage, Rock 13; Allen Wilson, Straf. 11; Peter Hildreth, Belk. 6.

Sen. Poulsen moved to adopt the committee of conference report on HB 559.

Sen. POULSEN: Mr. President, the committee of conference on this bill changed the committee to five people and also changed the effective date to be on passage.

Adopted.

Committee of Conference on HB 515

The committee of conference to which was referred House Bill No. 515, An Act establishing a study committee to investigate costs and methods necessary to update the record-keeping functions in the office of the secretary of state, having considered the same, report the same

with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

1 Committee Established. There is hereby established a study committee for the purpose of investigating the costs and methods necessary to update the record-keeping functions in the office of the secretary of state. The committee shall consist of one member of the senate appointed by the president of the senate, one member of the house appointed by the speaker of the house, the secretary of state or his designee, 2 faculty members specializing in computer science from any accredited 4 year college or university in the state of New Hampshire, such faculty members to be appointed by the secretary of state. Said committee shall elect one of its members as chairman. The committee shall submit its findings and recommendations in the form of a printed report to the 1979 session of the general court.

Conferees on the Part of the Senate: Sens. W. Brown, Dist. 19; L. Bergeron, Dist. 6; R. Monier, Dist. 9.

Conferees on the Part of the House: Reps. E. Parr, Rock. 12; Z. Vrakatitsis, Ches. 12; J. White, Hills 27; E. Lyons, Hills. 13.

Sen. Bergeron moved to adopt the committee of conference report on HB 515.

Sen. BERGERON: The new amendment established a committee, a study committee for the purposes of updating the record keeping functions in the office of the secretary of state.

Adopted.

SUSPENSION OF RULES

Sen. Bossie moved that the rules of the Senate be so far suspended as to allow the introduction of a committee report on **SB 75**, imposing certain limitations on oil suppliers doing business in the state not previously advertised in the journal.

Sen. BOSSIE: When the committee report was offered on **SB 75** approximately six weeks ago, it came before this Senate and Senator Rock made a motion to refer to the supreme court to determine its constitutionality. Well the supreme court has ruled and answered the inquiry of the senate and has said that it is constitutional. So as a result of that I ask of the chair, in view of the fact that there is no calendar because we are holding up the hours, how could it possibly be on a calendar. And I would suggest to the chair that perhaps an alternative method could be used. It didn't go anyplace. The committee report was made it was just a question of coming back from the supreme court. I would like the chair to rule on that.

The CHAIR: The chair will state that the senate did request an advisory opinion of the supreme court with respect to the constitutionality of **SB 75**. That action took the bill from the floor and to the supreme court thus at the present time in order for it to come back again, there would need to be a committee report. The normal processes are that the rules of the Senate can be suspended to bring in a committee report. Furthermore, if a committee report is presented, it can be xeroxed or printed in a timely fashion.

Sen. FENNELLY: When Senator Rock made the motion to send this to the supreme court for an opinion there were a lot of people in the oil industry and throughout the country for that matter who figured that the supreme court would strike it down. Well they did not do that. In this session of the Senate we had probably three important consumer bills. **HB 986**, construction work in progress, the rate of date which was watered

down to a third degree, . .

Sen. ROCK: POINT OF ORDER. It would seem Mr. President that we are deliberating the merits of a committee report that is not yet before us. I would question at this time whether or not the discussion is germane to suspending the rules to allow the report to come in and I would hope that the debate would observe some parameters near or close to that issue.

The CHAIR: The chair will state that the precedence of the Senate is that when it is a question of the suspension of the rules the subject matter of the bill under question is allowable.

Sen. FENNELLY: Let me say this, SB 75 is the most important consumer bill. Unless we pass it your average mechanic in his state in a period of two years will not be allowed. I am talking from the seacoast to Berlin. They will be driven out by the conglomerate because they cannot make it just on gasoline alone. If this bill which is so important to the consumers of the state, if not the conglomerate surely like the self-service, go after the parts business which is about a 4 billion dollar business throughout the country. That is what they want is to drive off your small mechanic who works on your car. And then they will set the prices for what a generator or what a muffler will be. I think the issue here, we have already made parliamentary inquiries to the supreme court for their decision, and they found it was constitutional.

Sen. LAMONTAGNE: Senator Fennelly did you know that I have a garage in Berlin and that I sell gasoline now because I couldn't make a living?

Sen. FENNELLY: I believe you Senator Lamontagne.

Sen. BOSSIE: Mr. President all I ask is for a little courtesy. As we know this bill was referred to the supreme court. At the time I thought it was a farce because it could have been tested anytime after the bill had passed. In any rate, it went. All the big oil companies filed their briefs and yet they lost. So all I ask is for the senate to vote on it, vote against it, do whatever you want but how long can we play games with SB 75. It is a simple issue. If you are a local garage owner you would

vote for this. And if you aren't and prefer the large oil companies then you don't. Get it on the floor, either pass it or send it to limbo.

Sen. Fennelly requested a roll call. Seconded by Sen. Preston.

The following Senators voted yea: Gardner, Bradley, Bergeron, Trowbridge, Keeney, Hancock, Healy, Provost, Bossie, Fennelly, Downing, Preston, Foley.

The following Senators voted nay: Lamontagne, Poulsen, Monier, Blaisdell, Rock, McLaughlin, Sanborn, Brown.

13 yeas 8 nays

Motion failed.

ENROLLED BILLS REPORT

HB 353, changing the town charter of Hanover to make sewer rentals the only method of payment for sewage disposal expense.

HB 398, imposing fines on zoning violators.

HB 409, changing the name of RSA 483-A and specifying that certain penalties relative to state waters apply to all violators.

HB 478, relative to the governor issuing a certificate of election.

HB 479, relative to disability retirement benefits under the New Hampshire retirement system.

HB 505, relative to parking facilities at Hampton Beach and making an appropriation therefor.

HB 517, providing for the acquisition of a tract of land to be known as the Pine River state forest and making an appropriation therefor.

HB 615, relative to interest charges charged upon all taxes other than resident taxes not paid on time.

HB 620, relative to contributions in the unemployment compensation law.

HB 679, relative to the fees for licensing dogs and dog keepers or breeders and requiring a health certificate on dogs sold by breeders and providing a late fee for failure to procure a license prior to June 1.

HB 696, eliminating the requirement of advertising lost passbooks and regulating the assignment of savings deposits.

HB 700, extending the time a real estate salesman may not be associated with a broker without losing his license.

HB 703, establishing a standard dog control law if adopted by a city or town.

HB 772, prohibiting candidates for any elective position other than a position as an election official from working within a polling place.

HB 782, relative to effective dates for laws which have a municipal fiscal impact.

HB 802, relative to the system of birth registration.

HB 22, establishing a recount procedure for votes at special meetings of towns with official Australian or non-partisan ballots.

HB 89, relative to the licensing process and license fees for hospitals and medical institutions of facilities.

HB 123, relating to the establishment of complementary facilities by banks.

HB 126, relating to certain acts prohibited by insurance company officers and directors.

HB 132, prohibiting the transfer of property within 3 years of applying for town assistance.

HB 139, providing for the filing and public availability of checklists after every biennial election.

HB 140, eliminating the requirement that at least one city or town intervene between an absentee voter and the place in which he is legally entitled to vote.

HB 159, relative to equine infectious anemia.

HB 216, authorizing the sale of bonds to cover the local share of construction costs on the Winnepesaukee river basin project.

HB 217, relative to tuition for foster children and rela-

tive to providing liability insurance for individuals providing foster care.

HB 242, restricting the horsepower of motorboats operating upon White Oak pond in Holderness.

HB 243, relative to a hunting accident in which a person is wounded or killed.

HB 266, relative to meetings of supervisors of the checklist in cities and towns.

HB 297, limiting the powers and duties of the department of revenue administration to overseeing the collection of state taxes administered by said department.

HB 333, providing a penalty for operating a restaurant or hotel after suspension of license for failure to pay meals and rooms taxes.

HB 343, relevant to absentee voting.

HB 805, providing an opportunity for absentee balloting at any election which uses an official ballot.

HB 814, amending the eminent domain procedure act.

HB 827, relative to recounts and disqualifications of candidate in primary elections.

HB 857, eliminating the need for legal seals on summonses, subpoenas, deeds and conveyances.

HB 894, providing opportunity in public education without discrimination.

HB 971, removing minor officials from the biennial ballot.

HB 975, relative to mandatory installation of smoke detectors in structures for occupation built after 1978.

HB 978, requiring that any state owned property leased to private parties shall comply with local zoning ordinances.

HB 1024, applying the settlement law to municipal contributions for old age assistance and aid to the permanently and totally disabled and redefining the time for loss of settlement.

HB 1032, relative to the Saco watershed commission.

HB 1097, permitting the use of certain radio-type equipment while operating a motor vehicle upon a public way.

HB 1113, permitting the withdrawal of a pre-existing district from a cooperative school district.

HB 1187, increasing the jurisdiction of the ballot-law commission.

HB 1189, concerning the reporting of political expenditures, advertising and contributions by certain committees and certain candidates.

HB 1193, reinstating Save the Mill Society and Tri-State Collectors' Exhibition as voluntary corporations.

HB 899, relative to reporting vote totals by party for nominees of more than one party.

HB 931, relative to the ability of a defendant to pay a judgment.

HB 995, relating to the disposition of personalty in police department property rooms.

HB 1038, relative to providing criminal penalties for copying or recorded devices.

HB 1067, establishing a voluntary arbitration system for handling settlement disputes in welfare cases.

HB 1069, relative to municipalities employing prosecutors for district or municipal courts.

HB 1143, relative to unemployment compensation (RSA 282).

SB 16, relative to the practice of podiatry.

SB 132, relative to the compensation and benefits of certain permanent policemen in case of death or disability.

SB 147, relative to posting a bond or certification of assets by manufacturers, importers or distributors of motor vehicles to insure warranties.

SB 153, relative to units of measure in the sale of wood.

SB 177, relative to preventive measures for forest and brush fires.

SB 205, exempting certain motor vehicles and building equipment from public highway weight, height and width limitations.

SB 222, authorizing the town of Peterborough to appropriate money and authorize borrowing for water purposes at special town meetings and authorizing the Mountain

Lakes district in the town of Haverhill to exceed its debt limit for a certain purpose.

SB 330, relative to protests in zoning ordinance change.

HB 64, prohibiting persons from seeking or holding office as a member of the general court and county commissioner at the same time.

HB 232, amending the method of charging boat registration fees; revising the distribution of boat registration fees; requiring the issuance of annual boat number plates and making an appropriation therefor.

HB 282, placing a consumer on the commission of pharmacy and practical chemistry.

HB 291, making an appropriation to the department of resources and economic development for grants and loans for projects authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965.

HB 410, relative to the competency of persons applying for a hunting license for the first time.

HB 550, relative to agreements with veterinary medical schools to provide education to qualified New Hampshire residents.

HB 622, relative to the responsibility for public medical assistance.

HB 627, prohibiting certain advertising and expenditures by electric and gas utilities.

HB 662, amending the methods of giving proof of financial responsibility.

HB 680, relating to the placement and road repair of a certain bridge between Walpole, New Hampshire and Belows, Falls, Vermont.

HB 681, relative to the disposition of municipal records.

HB 724, prohibiting the posting of election advertising on highway rights-of-way.

HB 725, removing the requirement for filing financial statements with town or city clerks.

HB 726, relative to local approval for the development of any public airport.

HB 809, relative to staff requirements for the bureau of certificate of title in the division of motor vehicles of the department of safety.

SB 59, relative to cease and desist orders issued by the water supply and pollution control commission.

SB 82, relative to the director of forest and lands and the director of parks.

SB 93, clarifying the legislative intent of RSA 149-G:2 concerning the extent to which the state shall assume contractual obligations for the design of municipal sewage disposal systems.

SB 99, relative to supervision of bail bondsmen by the insurance commissioner.

SB 117, relative to the statute of limitations on an action for paternity.

SB 120, relative to including investigators in the office of the attorney general in the definition of law enforcement employees entitled to additional salary increases.

SB 123, relative to the power of certain colleges to grant degrees.

SB 128, to include licensed pastoral counselors in the category of services authorized under minimum mental illness coverage under major medical and non-major medical accident and health insurance.

SB 134, relative to reforestation of land.

SB 144, amending the definition of "dam" in the RSA chapter on dams and flowage.

SB 186, relative to extending the authority of the post-secondary education commission.

SB 187, relative to the New Hampshire-Vermont interstate school compact.

SB 194, to permit the state to accept the retrocession of jurisdiction in and over the Veterans Administration hospital in Manchester, New Hampshire.

SB 203, relative to the employment of attorneys to assist the Hillsborough county attorney.

SB 217, prohibiting smoke bombs.

SB 220, requiring a mandatory jail sentence for any felony in which a firearm is used.

SB 223, relative to the winter maintenance of Diamond Pond road in the towns of Colebrook and Stewartstown and relative to the date of re-opening roads closed for the winter in the town of Stewartstown.

SB 226, relative to credit life insurance and credit accident and health insurance.

SB 234, allowing a member of the retirement system on insurance disability to continue to pay into the retirement system.

SB 283, relative to motor vehicles declared to be totally damaged.

SB 300, relative to the registration of unauthorized dams.

SB 308, including stairway inclined lifts within the statutory definition of elevators and prescribing safety standards for such lifts.

SB 349, granting zoning powers to the Lower Bartlett water precinct village district and ratifying the annual meetings of the Lower Bartlett water precinct village district for 1976 and 1977 and legalizing certain action taken by the annual meeting the town of Allenstown for 1977.

SJR 3, requesting the judicial council to study the problems of collection of judgments and issuance of executions and to propose corrective legislation.

Sen. Lamontagne for the committee.

Recess to the call of the Chair at 2:20 p.m. on June 20th, 1977.

Out of Recess.

Sen. Saggiotes in the Chair.

COMMITTEE OF CONFERENCE MEMBERSHIP SUBSTITUTIONS

HB 1128, relative to child support enforcement. Senator Keeney will replace Senator Bradley on the committee.

HB 1030, concerning neglected and delinquent children and persons in need of supervision. Senator Keeney will replace Senator Bradley on the committee.

INTRODUCTION OF GUESTS COMMITTEE OF CONFERENCE REPORTS

Committee of Conference Report on HB 1086

The committee of conference to which was referred HB 1086, An Act changing the name of the New Hampshire home for the elderly to the Glencliff home for the elderly; and transferring the Glencliff home for the elderly from the division of public health to the division of mental health and relative to tax exemption for Salemhaven, Inc., a community nursing home project for the needy and certain other non-profit organizations, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 72:23-f as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

72:23-f Salemhaven, Inc. The real estate and personal property of Salemhaven, Inc., a nonprofit New Hampshire corporation occupied and used by said Salemhaven, Inc. to provide community health care facilities for persons in need of the same in the town of Salem and surrounding areas, pursuant to the rules and regulations of the United States Department of Housing and Urban Development, United States Department of Health, Education and Welfare, and the state of New Hampshire department of health and welfare, if none of the income or profits of the community health care facility is used for any purpose other than the purpose for which the facility is established, shall be exempt from taxation, and shall be limited to the 97-99 Geremonty Drive site, the original structure plus any additions to original site. On or before December first of each year the owner of the community health care facility shall pay to the town or city in which

the property is situated in lieu of taxes, a sum representing 10 percent of the shelter rent received by the owner during the preceding calendar year. For cause shown, having in mind the nature and purpose of the corporation, the tax commission may abate all or a portion of the payment in lieu of taxes in any year. The owner on or before June first of each year shall file with the tax commission in such form as the tax commission prescribes a statement of financial condition of the community health care facility for the preceding fiscal year, and shall file such other information as the tax commission requires.

Amend RSA 72:23, V-a as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

V-a. The real estate and personal property owned by any organization described in paragraphs I, II, III, IV or V of this section and occupied and used by another organization described in said paragraphs, but only to the extent that such real estate and personal property would be exempt from taxation under said paragraphs if such property were owned by the organization occupying and using the property, as long as any rental fee and repairs, charged by the owner, are not in clear excess of fair rental value.

Conferees on the Part of the Senate: Sens. Stephen W. Smith, Dist. 3; David H. Bradley, Dist. 5; Delbert F. Downing, Dist. 22.

Conferees on the Part of the House: Reps. Milton Cate, Merr. 14; Mary E. Cotton, Rock. 20; Donald K. Howard, Carr. 1; Edward J. Wojnowski, Rock. 14.

Sen. Downing moved to adopt the committee of conference report on HB 1086.

Adopted.

Committee of Conference Report on HB 597

The committee of conference to which was referred House Bill No. 597, An Act relative to the application and expenditure of federal funds and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 124-A:5, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

124-A:5 Receipt of Federal Funds During Session. Whenever the general court is in session, no agency shall receive any federal funds not previously authorized by the governor and council or by prior legislative action except by requesting specific legislative authority. Such request such be in the form of a special bill or a budget item presented to the senate finance committee or the house appropriation committee.

Amend RSA 124-A:7, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

124-A:7 Designation of Agency. Whenever any agency requests authorization to receive federal funds, the governor and council, with the approval of the fiscal committee, may from time to time designate that agency or such other persons or agencies in the state government, as they may deem in the best interests of the state, as the proper persons or agencies to receive and administer said federal funds; provided, however, that whenever said federal funds relate to a program which falls within the area

of services provided by an existing agency of the state, the governor and council shall designate said agency as the agency to receive and administer the federal funds; provided, further, that if said funds relate to a program which falls within the area of services covered by 2 or more agencies, then the governor and council shall designate one of said agencies as the agency to receive and administer said funds.

Amend RSA 124-A, as inserted by section 1 of the bill, by inserting after section 11 the following new section:

124-A:11-a Comptroller to Notify Fiscal Committee. Whenever there is a grant reduction, pursuant to RSA 124-A:10, or a grant increase, pursuant to RSA 124-A:11, the comptroller shall forthwith notify the fiscal committee of the general court.

Conferees on the Part of the Senate: Sens. C. R. Trowbridge, Dist. 11; Alf E. Jacobson, Dist. 7; Paul E. Provost, Dist. 18.

Conferees on the Part of the House: Reps. William F. Kidder, Merr. 1; Michael C. Hanson, Belk. 5; Elaine T. Lyons, Hills. 13; Roderick H. O'Connor, Straf. 18.

Sen. Trowbridge moved to adopt the committee of conference report on HB 597.

Adopted.

Committee of Conference Report on HB 197

The committee of conference to which was referred House Bill No. 197, An Act relative to open pit burning in towns of less than 2,500 population, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendments to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Towns of 2,500 or Less Population. Notwithstanding the provisions of RSA 125:83, relating to variances, the air pollution commission is hereby authorized, following a public hearing, to extend the time limits established in its regulations for elimination of burning dumps in towns of less than 2,500 population according to the 1970 federal census, pursuant with the requirements of this act. No such extension granted hereunder shall be in force unless and until it is approved by the U.S. Environmental Protection Agency, pursuant to the requirements of the Clean Air Act. An extension may be granted to a town, or to a group of towns comprising a regional refuse disposal district, where the commission is able to find that, based upon actual monitoring data, or upon acceptable modeling in cases where adequate data does not exist, continued burning for the period encompassed by the extension will not result in a violation of any ambient air quality standard in force in the region, and will not cause a nuisance or continue an existing nuisance. Any extension granted may be conditional, and shall contain a compliance schedule for eventual elimination of open burning in the town or towns with respect to which the extension is granted.

Conferees on the Part of the Senate: Sens. Robert B. Monier, Dist. 9; Andrew W. Poulsen, Dist. 2; Mary Louise Hancock, Dist. 15.

Conferees on the Part of the House: Reps. Elizabeth Greene, Rock. 17; Marilyn R. Campbell, Rock. 5; John B. Corser, Hills 2; Carol Stomberg, Graf. 8.

Sen. Poulsen moved to adopt the committee of conference report on HB 197.

Adopted.

Committee of Conference Report on HB 518

The committee of conference to which was referred House Bill No. 518, An Act relative to retirement benefits for teachers who retired prior to 1957 and relative to retirement credit for William J. Byrne and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. C. R. Trowbridge, Dist. 11; James A. Saggiotes, Dist. 8; Eileen Foley, Dist. 24.

Conferees on the Part of the House: Reps. Sara M. Townsend, Sull. 1; Leigh D. Bosse, Hills. 1; James C. Herchek, Straf. 16; Margaret A. Ramsay, Ches. 5.

Sen. Trowbridge moved to adopt the committee of conference report on HB 518.

Sen. TROWBRIDGE: The house after some discussion adopted the senate version so that there is no change from the bill that you passed here.

Adopted.

Committee of Conference Report on HB 601

The committee of conference to which was referred House Bill 601, An Act providing cost of living increases for all retired members of the New Hampshire retirement sys-

tems having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out subparagraphs I(b) and (c) of section 27 and inserting in place thereof the following:

(b) Sections 7 through 25 of this act.

Amend the bill by striking out section 7 and renumbering the existing sections 8 through 27 to read as

7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 respectively.

Conferees on the Part of the Senate: Sens. C. R. Trowbridge, Dist. 11; James A. Saggiotes, Dist. 8; Eileen Foley, Dist. 24.

Conferees on the Part of the House: Reps. Sara M. Townsend, Sull. 1; Leigh D. Bosse, Hills. 1; James C. Herchek, Straf. 16; Margaret A. Ramsey, Ches. 5.

Sen. Trowbridge moved to adopt the committee of conference report on HB 601.

Sen. TROWBRIDGE: On HB 601, which is the other retirement bill for cost of living increases for the people retired in the system, we had put in an amendment that over 8 years whittled down the state's share of doing the

cost of living down to zero. The house didn't go along with that so we wanted to at least set a stage so we knew what share the state was going to pay and the cities were going to pay. This was on their own city employees not state employees. Nashua, Manchester people and Keene people. We settled on 65/35. Sixty five state, thirty five local. It is a basis for everything in the sharing process. As it has been going along it has been escalating on the state and if I ever made a statement where a broad-based tax is going to come from, it is not going to come from me, it is going to come from the pension system because as it builds up on the state you are just going to have it plain overwhelm the state. So at least now we have agreement starting in 1979. Everything goes 65/35 which is a pretty good compromise and that is the compromise of the bill. It still gives the cost of living increases.

Adopted.

Committee of Conference Report on HB 284

The committee of conference to which was referred House Bill 284, An Act relative to transfers of classification in the retirement system and making the deputy commissioner of safety a group II member of said system and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Sections 2, 3 and 4 of this act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. John H. McLaughlin, Dist. 13; Paul E. Provost, Dist. 18; William E. Sanborn, Dist. 17.

Conferees on the Part of the House: Reps. Elmer H. Close, Ches. 15; John B. Tucker, Sull. 4; Richardson D. Benton, Rock. 2; Roderick H. O'Connor, Straf. 18.

Sen. Provost moved to adopt the committee of conference report on HB 284.

Adopted.

Sen. Lamontagne spoke under rule No. 44.

Sen. LAMONTAGNE: Mr. President and members of the Senate. I would like to have the Senate listen to the important figures that I put together this morning. This is in reference to the Spaulding turnpike but an amendment has been put on the gasoline tax which has HB 228. In getting these figures together I am shocked to see that possibly the cities and towns might lose—for instance the city of Berlin now gets Con Aid from the gasoline tax and that is \$59,656. The way that the Trowbridge amendment has been put on at 60% for the cities and towns and 40% to the highway fund at least \$81,900 for the city of Berlin. The city of Dover, \$88,742 they are not receiving. This means that Dover would lose \$47,500. Lee now gets \$10,730. We would lose \$500,740. Durham now gets \$37,671. It means that Durham would lose \$20,000. The total amount that the cities and towns are now receiving is 4 million, 487 thousand dollars. Every town, city you can take and divide it by two and you will find 50%, this is what the Trowbridge amendment brings to the cities and towns. 50% of what they are now receiving. I am hoping that every Senator is listening to these figures and I hope that the members of the House also get these fig-

ures and see what the cities are losing. You all know that our cities and our towns need additional revenue to take care of additional repairs to some of our roads. I hope that the Senators will stop and think of what a big loss it means if the Spaulding turnpike and 228 is defeated.

Sen. DOWNING: Senator I am not sure that I understand what you explained. You explained the gas tax and the distribution on that and the communities were losing something, gaining something and how does that relate to the Spaulding Turnpike?

Sen. LAMONTAGNE: I have said in the beginning that if the Spaulding turnpike does not go through on the amendment that Trowbridge has put in on 228, that 50% of what they are now receiving will be lost. And that is something for every member of the general court to think about when the towns are needing additional funds for repairs to some of their roads.

Sen. DOWNING: What you say presents a very grave situation. How does the turnpike relate to the amendment that Senator Trowbridge put on that bill, that is what I can't equate the two.

Sen. LAMONTAGNE: Because the Spaulding turnpike has been HB 228 was amended by placing the turnpike on as an amendment to the gasoline tax. Can that amendment be deleted in the committee of conference and the community still enjoy the benefits of the gasoline tax?

Sen. LAMONTAGNE: It is possible that it could. But I am still saying that 228 is going to be a loss if it is not passed.

Sen. TROWBRIDGE: Just to clarify a point. HB 228 is Mrs. Ingram's bill and the only thing that I did at that point was to amend, it is not really my bill. The gas tax was there long before it ever came in here.

FURTHER COMMITTEE OF CONFERENCE REPORTS

Committee of Conference Report on HB 419

The committee of conference to which was referred House Bill 419, An Act specifying procedures for the sale

and fitting of hearing aids and requiring the registration of hearing aid dealers, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Declaration of Purpose. The fitting and selling of hearing aids is hereby declared to affect the public health and welfare, and is subject to regulation in the public interest.

2 New Chapter. Amend RSA by inserting after chapter 137-C the following new chapter:

CHAPTER 137-D

Hearing Aids

137-D:1 Definitions. In this chapter:

I. "Audiologist" means any person who has at least an M.A. or M.S. degree in audiology and at least 300 hours of supervised practical training and is eligible for the American Speech and Hearing Association certificate of clinical competence in audiology.

II. "Director" means the director of the division of public health services, department of health and welfare.

III. "Division" means the division of public health services, department of health and welfare.

IV. "Hearing aid" means any wearable instrument or device designed for or offered for the purpose of or represented as aiding or compensating for impaired human hearing and any parts or attachments, including earmolds, but excluding batteries and cords or accessories thereto, or equipment, devices and attachments used in conjunction with services provided by a public utility company.

V. "Hearing aid dealer" means any person engaged in

the selecting, fitting or otherwise dealing in hearing aids.

VI. "Otolaryngologist" means a physician licensed in the state of New Hampshire who specializes in medical problems of the ear, nose, and throat, and is eligible for qualification by the American Board of Otolaryngology as an otolaryngologist.

VII. "Person" means any individual, partnership, association, organization or corporation.

VIII. "Rental or selling of hearing aids" means the selection, adaptation and sale or rental of hearing aids. Also included is the making of impressions for earmolds and instruction pertaining to the use of hearing aids.

IX. "Sell" or "sale" means any transfer of title or of the right of use by sale, conditional sales contract, lease bailments, hire-purchase or any other means, excluding wholesale transactions of dealers and distributors.

137-D:2 Registration of Dealers Required. No person shall engage in the business of selling or renting hearing aids unless such person is registered in accordance with this chapter and unless the registration of such person is current and valid. This section includes the selling or renting of hearing aids by mail in this state by a person outside the state. Registration certificates shall be renewed annually on or before June 30.

137-D:3 Application for Registration. An application for a certificate of registration under this chapter shall be filed with the division in such form and detail as the director shall prescribe, duly signed and verified, available for public inspection, and shall include, but not be limited to:

I. The name and the business address of the applicant; if an individual, the name under which he intends to conduct business; if a partnership, the name and business address of each member thereof, and the name under which the business is to be conducted; if a corporation, the name of the corporation and the name and business address of each of the officers of the corporation.

II. The place or places, including the complete address or addresses, where the business is to be conducted.

III. Such further information as the director may prescribe by rule.

137-D:4 Advisory Council; Establishment, Duties. There is hereby established an advisory council to the director of the division of public health services on the sale and fitting of hearing aids, whose members shall be appointed by the commissioner of health and welfare with the approval of the governor and council. The governor shall designate one member of the advisory council as chairman. The members of the advisory council shall consist of: 2 hearing aid dealers; one member of the public having no relationship to hearing aid dispensing; one otolaryngologist, who may not be a hearing aid dealer; and one audiologist, who may not be a hearing aid dealer. Each member of the advisory council shall serve a 3 year term, except that of the initial council, one hearing aid dealer and the otolaryngologist shall serve a 3 year term; one hearing aid dealer and the member of the public shall serve a 2 year term; and the audiologist shall serve a one year term. Members of the advisory council shall receive no per diem but shall be entitled to mileage when in the performance of duties required by this chapter. The advisory council shall advise the director of the division of public health services on general and specific policies involved in the sale and fitting of hearing aids.

137-D:5 Powers and Duties of the Director. The powers and duties of the director under this chapter include:

I. Accepting applications for certificates of registration under this chapter, and approving or denying such applications.

II. Renewing certificates of registration.

III. Suspending or revoking certificates of registration upon the grounds listed in RSA 137-D:9, and conducting hearings regarding the denial, suspension, revocation and renewal of certificates and provided in RSA 137-D:16.

IV. Accepting written complaints from the public against registrants and conducting necessary investigations upon such written complaints.

V. Publicizing the complaint procedure.

VI. Promulgating such rules as are necessary to carry out the purposes of this chapter in accordance with RSA 541-A, including, but not limited to, conducting compe-

tency examinations for applicants under RSA 137-D:3.

VII. Reporting to the governor and council and to the commissioner of the department of health and welfare annually on the activities conducted under this chapter.

VIII. Calling at least 2 meetings a year of the advisory council.

137-D:6 Issuance of Certificate. Except as provided in RSA 137-D:9, the director shall issue a certificate of registration to any person who files an application for such certificate accompanied by the required application and registration fees within 30 days after the filing of such application.

137-D:7 Application and Registration Fees. Every application for a certificate of registration shall be accompanied by an application fee of \$25, which shall in no event be refunded. Upon approval of the application by the director and upon further payment of the applicant of a registration fee of \$50, the applicant shall be issued a certificate of registration to be valid for one year. The annual fee for renewal of any certificate of registration shall be \$50. In the case of loss, mutilation or destruction of a certificate of registration, the director shall issue a duplicate certificate upon proof of facts and payment of a fee of \$10.

137-D:8 Display of Certificate. Any person who has been issued a certificate of registration under this chapter shall conspicuously display such certificate in the principal place of business for which such registration is issued.

137-D:9 Suspension, Revocation or Refusal to Issue Certificate.

I. The director may deny the application for a certificate of registration and may suspend or revoke the registration of any hearing aid dealer issued pursuant to this chapter or refuse to issue a renewal thereof if it is determined that such applicant or registrant:

(a) Has made a material false statement or concealed a material fact in connection with his application for a certificate of registration;

(b) Has had a certificate of registration issued under this chapter revoked or suspended previously;

(c) Has failed to furnish satisfactory evidence of good character, reputation and fitness;

(d) Has been guilty of fraud or fraudulent practices, or has used dishonest or misleading advertising, including but not limited to the prohibitions contained in RSA 137-D:14.

(e) Has been grossly negligent in the fitting, selling or repairing of any hearing aid;

(f) Has violated any of the trade practice rules for the hearing aid industry as promulgated by the United States Federal Trade Commission on July 20, 1965, or as amended, or any rules for the hearing aid industry promulgated by the United States Food and Drug Administration; or

(g) Has failed to comply with any other provision of this chapter or any rules promulgated by the director.

137-D:10 Return of Certificate. Upon the suspension or revocation of a certificate of registration by the director and the issuance of a notice thereof, the registrant shall within 5 days, not including Sundays and holidays, deliver to the director the certificate of registration. If surrendered by mail, the certificate of registration must be sent by registered or certified mail, post-marked no later than 3 days, not including Sundays and holidays, following notice of suspension or revocation. Failure to return a certificate of registration which has been revoked or suspended hereunder within the prescribed time shall constitute a misdemeanor.

137-D:11 Disclosure to Customers.

I. No hearing aid dealer shall sell a hearing aid without presenting to the purchaser an itemized receipt, which shall include the following:

(a) The name and address and signature of the purchaser;

(b) The date of consummation of the sale;

(c) The name and the regular place of business of the hearing aid dealer, registration number and signature of registrant;

(d) The make, model, serial number and purchase price of the hearing aid and the terms of the warranty;

(e) An itemization of the total purchase price, including

but not limited to the cost of the aid, earmold, and batteries and other accessories and any services;

(f) A statement as to whether the hearing aid is "new", "used" or "reconditioned";

(g) The complete terms of the sale, including a clear and precise statement of the 30-day money-back guarantee required under RSA 137-D:13;

(h) The name, address and telephone number of the consumer protection division, attorney general's office, with a statement that, complaints which arise with respect to the transaction may be submitted in writing to the consumer protection division, attorney general's office;

(i) The following statements in 10 point type or larger: 1) "This hearing aid will not restore normal hearing nor will it prevent further hearing loss;" 2) "You have the right to cancel this purchase or rental for any reason within 30 days after receiving the hearing aid. (Your right is explained in this receipt.)"

II. Each registrant shall keep records of every customer to whom he renders services or sells hearing aids, including a copy of the receipt as specified under paragraph I, a record of services provided, any correspondence to or from a customer and any records required under the rules for the hearing aid industry as promulgated by the United States Federal Trade Commission on July 20, 1965, or as amended, or any rules for the hearing aid industry promulgated by the United States Food and Drug Administration. These records shall be preserved for 3 years after the date of transaction.

137-D:12 Unsolicited Home Sales Prohibited. No hearing aid dealer, employee or agent thereof, shall canvass either in person or by telephone from house to house for the purpose of selling or renting a hearing aid without prior request from the prospective customer, a relative or friend of the prospective customer.

137-D:13 Return of Hearing Aid; Cancellation Fee.

I. No hearing aid shall be sold to any person unless accompanied by a 30-day written money-back guarantee that if the person returns the hearing aid in the same condition, ordinary wear and tear excluded, as when pur-

chased within 30 days, the hearing aid dealer shall be entitled to a cancellation fee of 20 percent of the purchase price plus a reasonable charge for ear molds. In computing the actual purchase price, all rebates, discounts and other similar allowances provided to the seller must be considered.

137-D:14 Deceptive Advertising Prohibited.

I. No hearing aid dealer or employee or agent thereof shall use or cause to be used or promote the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceptive or untruthful. All advertising by mail which offers free hearing testing or other services by a hearing aid dealer shall clearly state in such advertising that the offers are made by a hearing aid dealer.

II. No hearing aid dealer, employee or agent thereof shall represent that the services or advice of an individual licensed to practice medicine or of an individual certified as an audiologist will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids where that is not true; or use or incorporate in any title or designation the words, "doctor," "otologist," "clinic," "clinical audiologist," "audiologist," "state licensed clinic," "state certified," "state approved," "state registered," "certified hearing aid audiologist," or any term, abbreviation, or symbol which would give the false impression that one is being treated medically or audilogically or that the registrant's services have been recommended by the state.

III. No hearing aid dealer or employee or agent thereof shall use any advertisement or any other representation which has the effect of misleading or deceiving purchasers or prospective purchasers in the belief that any hearing aid or device, or part of accessory thereof, is a new invention or involves a new mechanical or scientific principle when such is not the fact.

IV. No hearing aid dealer or employee or agent thereof shall state or imply that the use of any hearing aid will restore hearing to normal, or preserve hearing, or prevent

or retard the progression of a hearing impairment or make any false or misleading or medically or audiolgically unsupportable claims regarding the efficacy or benefits of hearing aids.

V. No hearing aid dealer or employee or agent thereof shall advertise a particular model, type or kind of hearing aid when the offer is not a bona fide effort to sell the product so offered as advertised.

VI. No hearing aid dealer or employee or agent thereof shall advertise that a hearing aid will be beneficial to persons with hearing loss, regardless of the type of loss. No such dealer, employee or agent shall advertise that a hearing aid will enable persons with hearing loss to consistently distinguish and understand speech sounds in noisy situations.

VII. No hearing aid shall be sold to any person unless the packaging containing the hearing aid carries the following disclaimer in 10 point type or larger: "This hearing aid will not restore normal hearing nor will it prevent further hearing loss."

137-D:15 Procedure for Complaints; Hearings; Judicial Review.

I. Any violation of any provision of this chapter is an unfair and deceptive practice in violation of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this chapter. Any federal requirement relating to hearing aids or hearing shall also be so enforceable and in the case of any conflict between state and federal requirements, the stricter requirement shall prevail, unless the state requirement is expressly preempted at the time.

II. No certificate of registration shall be suspended or revoked until after a hearing, upon written notice mailed to the registrant by certified or registered mail, had before the director; provided, however, that where a notice of hearing is mailed to a registrant at the address shown in the records of the division and such registrant fails to attend such hearing, the director may suspend his registration without a hearing pending his attendance at such hearing. Upon the denial of an application for a certificate

of registration, the director shall grant a hearing to an applicant therefor upon receipt of a request for such hearing made within 30 days after the applicant is notified of such denial. He shall have the power to require the attendance of witnesses and issue subpoena¹ duces tecum in the conduct of such hearing. In the event a certificate of registration is revoked or suspended or an application is denied, no such certificate shall be issued to such former registrant or applicant for at least 6 months, nor thereafter, except in the discretion of the director. The applicant or registrant may be heard in person or by counsel. Such hearings shall be at such time and place as the director shall prescribe. The director shall have the power to subpoena any person in this state, or document, record or other relevant evidence, and administer an oath to and take the testimony of any such person or cause his disposition to be taken.

III. Appeals from an order of suspension or revocation or a denial of an application of a certificate of registration shall be made under RSA 541.

137-D:16 Rules. The director shall promulgate such rules as he deems necessary to carry out the purposes of this chapter pursuant to RSA 541-A.

137-D:17 Exemptions. This chapter shall not apply to persons who engage in the fitting of hearing aids if such activity is part of the academic curriculum of an accredited institution of higher education, or part of a program conducted by a public or charitable institution or non-profit organization or a governmental agency, unless the institution or organization or agency also in any way sells hearing aids.

137-D:18 Penalty. Any person who violates any provision of this chapter or any rule promulgated thereunder shall be guilty of a misdemeanor.

137-D:19 Injunction. The director may request the attorney general to commence an action to enjoin the operation of any person engaged in the selling or renting of hearing aids in violation of this chapter. Said action shall be filed in the superior court in Merrimack county.

137-D:20 Civil Claims. Any person injured by the ac-

tions of a person engaged in the selling or renting of hearing aids in violation of any of the provisions of this chapter may bring a civil action to recover damages suffered by reason of the violation, including punitive damages and attorneys fees.

3 Transition. The director of the division of public health services, department of health and welfare, shall have the power to promulgate rules in accordance with RSA 541-A to implement the hearing aid dealer registration program provided for in RSA 137-D, as inserted by section 2 of this act, so that persons presently engaged in the business of selling hearing aids in this state can be registered in accordance with RSA 137-D on the effective date of that chapter.

4 Appropriation. There is hereby appropriated to the division of public health services, department of health and welfare, for the purposes of this act, the following amounts:

	FY 1978	FY 1979
Other personal services	\$1,000	\$1,000
Current expenses	2,000	2,000
Total	\$3,000	\$3,000

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. Sections 1, 3 and 4 of this act shall take effect 60 days after its passage. Section 2 of this act shall take effect January 1, 1978.

Conferees on the Part of the Senate: Sens. Robert B. Monier, Dist. 9; D. Alan Rock, Dist. 12; John H. McLaughlin, Dist. 13.

Conferees on the Part of the House: Reps. Peter Parker, Ches. 10; Elizabeth Crory, Graf. 13; Sara Townsend, Sull. 1; Phyllis Pucci, Rock. 5.

Sen. Monier moved to adopt the committee of conference report on HB 419.

Adopted.

Committee of Conference Report on HB 838

The committee of conference to which was referred House Bill 838, An Act requiring the secretary of state to notify all persons of write-in nominations for the house of representatives, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Town Clerk's Failure to Notify; Candidate Still Entitled to Be on Ballot. Amend RSA 56:52 as amended by striking out said section and inserting in place thereof the following:

56:52 —Notice to Other Candidates. Upon receipt of the copy of the publication provided for in RSA 56:50 each town or city clerk shall forthwith notify in writing any person in the respective town or city who received a nomination for any town or ward office, or the office of state representative where the district is composed of only one town or ward, for which he did not file a declaration of candidacy or primary petition with said clerk. A copy of said notification shall be forwarded at the same time to the secretary of state. A person so notified shall advise the secretary of state, in writing, if he wishes to accept such nomination. If such acceptance of nomination is not received by the secretary of state within 6 days from the date of the publication of the notice as provided in RSA 56:50, the person shall be deemed to have refused such nomination and his name shall not appear on the official ballot as a candidate for said office; provided, however, the secretary of state shall not strike a candidate's name if he has not received evidence that notice was sent to

the candidate pursuant to the provisions of this section. In the event the secretary of state has received neither the acceptance of the candidate nor the evidence of notice within the 6-day period, the secretary of state shall contact the candidate to gain his acceptance or refusal of candidacy. If for any reason the person cannot be contacted by the deadline for printing of ballots, the candidate's name shall be printed on the ballot.

Conferees on the Part of the Senate: Sens. Alf Jacobson, Dist. 7; Robert Monier, Dist. 9; Mary L. Hancock, Dist. 15.

Conferees on the Part of the House: Reps. Raymond Conley, Carr. 3; Guy Fortier, Coos. 6; Kenneth Randall, Belk. 3; Rita McAvoy, Grafton 1.

Sen. Monier moved to adopt the committee of conference report on HB 838.

Adopted.

Committee of Conference Report on HB 1184

The committee of conference to which was referred House Bill 1184, An Act relative to temporary absence from residence and its effect on voting rights, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend RSA 54:10 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

54:10 Temporary Absence. A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his home. Domicile for the purpose of voting as defined in RSA 54:1, once existing, continues to exist until another such domicile is gained. Domicile for purposes of voting is a question of fact and intention. A voter can have only one domicile for these purposes. No person shall be deemed to have lost a domicile by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigations of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility.

Conferees on the Part of the Senate: Sens. Alf E. Jacobson, Dist. 7; Robert B. Monier, Dist. 9; Mary L. Hancock, Dist. 15.

Conferees on the Part of the House: Reps. Raymond K. Conley, Jr., Carr. 3; Kenneth A. Randall, Belk. 3; Natalie S. Flanagan, Rock. 6; Harold L. Rice, Merr. 20.

Sen. Monier moved to adopt the committee of conference report on HB 1184.

Sen. TROWBRIDGE: 1186 is the legal voting, 1184 deals with temporary absence. In 1186 which we will come onto, which says this domicile which is the voter's residence to which upon a temporary absence, he has the intention of returning. Am I to believe that 1184 defines temporary absence in 1186.

Sen. MONIER: Yes.

Sen. TROWBRIDGE: If that is true then in 1184 it starts saying the domicile for voting purposes as defined in RSA 54:1. Then it goes on one more sentence, the

domiciles for purposes of voting is a question of fact and intention. That is already spelled out in 1186. Domicile for the purpose of voting as defined in 54:1. Right. You are linking right in the two statutes. I got that—everything you need about domiciles should be in 1186 over here. But then you go on to another thing on domiciles and I am just wondering if that is going to confuse as to which domicile you mean. In one place you say domicile is a question of factual, physical presence incorporating an intention to reside for an indefinite period. The other one you say domicile for purposes of voting as a question of fact and intention. I am just enough of a draftsman to say this has got to be very well coordinated.

Sen. MONIER: I agree with you. I don't know that I can answer your doubts. I think if you go to the next sentence maybe that will help. Senator Trowbridge I don't know to be honest with you, why that is there. At the time we did define it, I am trying to remember if there was an exact reason for it. I think it was because over here it says has the intention of returning. Maybe that is the reason.

Sen. TROWBRIDGE: Senator Monier could you and your committee get next to the microphone and say into the record that for purposes of determining domicile as opposed to temporary absence from domicile that HB 1186 is the operative statute and should be followed as opposed to the other won?

Sen. MONIER: I would agree with that right down the line because of the reference to it in RSA 1 and 1184. I will add once again, that I don't really know what that was in there. If there is a confusion then 1186 takes precedence.

Sen. HANCOCK: I think it was an oversight. That it was in the original bill and just wasn't taken out.

Adopted.

Committee of Conference Report on HB 1186

The committee of conference to which was referred House Bill 1186, An Act relative to legal voters, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 54:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

54:1 Legal Voter. Every inhabitant of the state, having a fixed and permanent established domicile, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he is domiciled. The determinant of one's domicile is a question of factual physical presence incorporating an intention to reside for an indefinite period. This domicile is the voter's residence to which, upon temporary absence, he has the intention of returning. This domicile is that place in which he dwells on a continuing basis for a significant portion of each year.

Conferees on the Part of the Senate: Sens. Alf Jacobson, Dist. 7; Robert Monier, Dist. 9; Mary Louise Hancock, Dist. 15.

Conferees on the Part of the House: Reps. Raymond Conley, Carr. 3; Kenneth Randall, Belk. 3; Natalie Flanagan, Rock. 6; Harold Rice, Merr. 20.

Sen. Monier moved to adopt the committee of conference report on HB 1186.

Sen. TROWBRIDGE: Senator Monier did you discuss this new definition with Senator Bradley?

Sen. MONIER: I did not, but I think that Senator Jacobson did. I think the answer to that has to be yes because most of Senator Bradley's commentary and discussion was about place of residence. And this has been left out of this completely and Attorney Snow who was more or less consultant to the committee and Senator Jacobson did make certain that Senator Bradley was involved in this and that should respond to what the debate was about.

Adopted.

COMMITTEE OF CONFERENCE MEMBERSHIP SUBSTITUTION

HB 228, imposing an additional one cent tax on motor fuel and fuel other than motor fuel, dedicating 95 percent of the revenue to towns and cities, and relative to the construction of the Spaulding turnpike extension and making an appropriation therefor.

Sen. Preston will replace Senator Fennelly on the committee.

RECONSIDERATION

Sen. Smith moved reconsideration on the committee of conference report on CACR 13, a Concurrent Resolution Proposing Constitutional Amendments, Relating To: Legislative Districts, Providing That: A Town, Ward or Place May by Referendum Request That the Legislature Divide it into Two or More Representative or Senatorial Districts.

Sen. SMITH: Mr. President, why I move this was that this was adopted on a voice vote yesterday. I think it is an important constitutional amendment. I don't think the records of the legislature ever show that there has been a committee of conference on a CACR before. Why I am moving reconsideration and hope that the Senate will vote to put it back on second reading and then have a standing vote because I think this is the first time in two days that there have been 16 Senators present. For the record we should have a division vote on the CACR. This is the CACR that deals with the dividing of towns into districts or wards for legislative purposes for both houses. Senate districts important to the redistricting four years from now.

Adopted.

Question of adopting the committee of conference report on CACR 13.

Division vote: 20 Senators voted yea; 0 Senators voted nay.

Adopted.

FURTHER COMMITTEE OF CONFERENCE REPORTS

Committee of Conference Report on HB 750

The committee of conference to which was referred House Bill No. 750, An Act permitting the appointment of an assistant county attorney for the county of Rockingham, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

Conferees on the Part of the Senate: Sens. David H.

Bradley, Dist. 5; Phyllis M. Keeney, Dist. 14; Robert F. Preston, Dist. 23.

Conferees on the Part of the House: Reps. Beverly A. Gage, Rock. 5; Roy W. Davis, Rock. 2; Charles E. Cummings, Rock. 7; Richard D. Hanson, Merr. 5.

Sen. Keeney moved to adopt the committee of conference report on HB 750.

Adopted.

Committee of Conference Report on HB 686

The committee of conference to which was referred House Bill 686, An Act relative to the duties of persons involved with vital statistics, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. Ward B. Brown, Dist. 19; Andrew W. Poulsen, Dist. 2; Walter F. Healy, Dist. 16.

Conferees on the Part of the House: Reps. Leigh D. Bosse, Hills. 1; Stuart D. Trachy, Merr. 13; L. Penny Dion, Hills. 21; Sharon E. Brody, Hills. 24.

Sen. Healy moved to adopt the committee of conference report on HB 686.

Adopted.

Committee of Conference Report on HB 812

The committee of conference to which was referred House Bill 812, An Act establishing an order of distribution of assets of insolvent insurers, having considered the

same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Grievance Committee. Amend RSA 402 by inserting after section 74 the following new section:

402:75 Grievance Committee. There is hereby established a grievance committee to be composed of the insurance commissioner, who shall be the chairman of the committee; one New Hampshire representative from the Independent Mutual Agents of New England; and one representative from each of the following organizations: the New Hampshire Independent Insurance Agents' Association; the American Insurance Association and the American Mutual Insurance Alliance. The committee members shall serve for a 2 year term, without compensation. The committee shall hold hearings on grievances brought by insurance agents relating to termination of their contracts with insurance companies, and the committee may order the insurance company to rescind termination. The decision of the committee may be appealed to the superior court.

402:76 Modification. Any existing contract between an insurance agent and insurance company may be modified only by mutual consent.

3 Report. The grievance committee established in section 2 of this act shall make a written report to the appropriate legislative committees on its activities by December 1, 1978.

4 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate: Sens. D. Alan Rock, Dist. 12; Andrew W. Poulsen, Dist. 2; Louis E. Bergeron, Dist. 6.

Conferees on the Part of the House: Reps. Thomas W. Hynes, Hills. 25; John B. Morgan, Hills. 3; Elizabeth L. Crory, Graf. 13; Kathleen W. Ward, Graf. 1.

Sen. Rock moved to adopt the committee of conference report on HB 812.

Adopted.

Committee of Conference Report on HB 804

The committee of conference to which was referred House Bill No. 804, An Act conforming the New Hampshire clean air act to the requirements of the federal environmental protection agency, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sens. Robert B. Monier, Dist. 9; Ward B. Brown, Dist. 19; Mary Louise Hancock, Dist. 15.

Conferees on the Part of the House: Reps. Elizabeth A. Greene, Rock. 17; Barbara B. Bowler, Belk. 3; Joan E. Terry, Ches. 16; Myrtle B. Rogers, Rock. 10.

Sen. Hancock moved to adopt the committee of conference report on HB 804.

Adopted.

Committee of Conference Report on HB 803

The committee of conference to which was referred House Bill 803, An Act relative to insuring the proper disclosure of information from vital records, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. Ward B. Brown, Dist. 19; Andrew W. Poulsen, Dist. 2; Walter F. Healy, Dist. 16.

Conferees on the Part of the House: Reps. Leigh D. Bosse, Hills. 1; Stuart D. Trachy, Merr. 13; L. Penny Dion, Hills. 21; Sharon E. Brody, Hill. 24.

Sen. Poulsen moved to adopt the committee of conference report on HB 803.

Adopted.

Committee of Conference Report on HB 869

The committee of conference to which was referred House Bill 869, An Act clarifying the priority of claims against insolvent insurance companies, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. Andrew W.

Poulsen, Dist. 2; D. Alan Rock, Dist. 12; Louis E. Berge-
ron, Dist. 6.

Conferees on the Part of the House: Reps. Thomas W.
Hynes, Hills, 25; George H. Baker, Hills. 14; Claire
Plomaritis, Dist. 15; Peter Parker, Ches. 10.

Sen. Poulsen moved to adopt the committee of confer-
ence report on HB 869.

Adopted.

RECONSIDERATION

Sen. Blaisdell moved that the Senate reconsider its ac-
tion whereby it requested a committee of conference on
SB 56.

Sen. BLAISDELL: Rather than have a committee of
conference on this Mr. President I think that we can do it
in the enrolled bills committee and that is what I am re-
questing.

Sen. KEENEY: I was just put on that committee of
conference and it is my understanding that the house had
an amendment to it that we could now concur with, is
that your reason?

Sen. BLAISDELL: Yes.

Sen. KEENEY: And you now think that the enrolled
bills committee can do this?

Sen. BLAISDELL: I have talked to Don Jennings in
Legislative Services and he said that it can be done by a
technical amendment.

Adopted.

Sen. Blaisdell moved to concur with the House
amendment to **SB 56**, establishing an adoptive care act.

Adopted.

See House Record. pg. 3006

Sen. Monier moved that the Enrolled Bills Committee

Report on HB 365 be taken from the table.
Adopted.

ENROLLED BILLS REPORT

HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor and relative to the licensing of accountants.

Sen. MONIER: This was an enrolled bills, you had read it in. You brought it in and I had a question about it at the time and I asked if I could make a move and put it on the table the question has been resolved, I have removed it from the table, my question to the chair is, will it now proceed in its orderly fashion on to whatever it goes to.

The CHAIR: The chair will state for the record that the motion to table was made after the report was made and the chair will rule that no further action needs to be taken and the bill would proceed on its natural course.

ENROLLED BILLS AMENDMENT

SB 294, establishing minimum standards for energy conservation in public buildings.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 294**

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 155-C the following new chapter:

CHAPTER 155-D

Amend RSA 155-C as inserted by section 1 of the bill by renumbering sections 1 through 6 to read as

155-D:1, 155-D:2, 155-D:3, 155-D:4, 155-D:5, 155-D:6, respectively.

Sen. BERGERON: Mr. President this amendment renumbers a chapter as a result of the passage of HB 1117 which inserted chapter 155-c.

Sen. ROCK: Mr. President, has there been any replacements on the committee of conference on HB 48?

The CHAIR: The chair will state there has not been any replacements on HB 481 to his knowledge.

Sen. ROCK: On page 969 of the Senate Journal for Thursday, June 9th, it states that the chair appointed Senators Poulsen, Rock and Bossie, is that correct?

The CHAIR: Senator I don't have the journal before me but if that is what it says I take your word for it.

Sen. ROCK: If there were a committee of conference that was then signed by Senators other than Senators Poulsen, Rock and Bossie, what force and effect would that committee of conference report have?

The CHAIR: The chair will recognize Senator Jacobson for clarification.

Sen. JACOBSON: This is one of the little mysteries of this session. On June 9th we received a message from the House saying that the House had nonconcurrent with the Senate amendments and requesting a committee of conference. In my normal pattern this bill along with all the other bills distributed to the chairmen of the relative committees. That bill was given to Senator Poulsen and Senator Poulsen suggested the names of Poulsen, and Rock. And it is in hand. I then gave it to Senator Downing who is in his hand has Senator Bossie on it. And that was a committee of conference. On June 16th apparently, a second request for committee of conference came in. And on that committee of conference I prescribed the names of Poulsen, Smith and Bossie. They are not, I haven't checked with Senator Downing as to whether

Senator Bossie's name was prescribed by him or not, but the names Poulsen and Smith are not inscribed by me or Senator Poulsen or the clerk of the Senate. So that we have had two messages and two committees of conference. I have allowed the one committee of conference, the second committee of conference to sign to go in under the agreement with Senator Poulsen that nothing will happen until this whole matter is straightened out. The only purpose for this is so they get under some time restraint that Senator Poulsen indicated to me. So that is the total mystery of that at this moment, to my knowledge.

Sen. ROCK: Senator Jacobson as I am led to believe the committee of conference report bearing names not ascribable to the president or to any one else that seems to be in authority to make such appointments is now down in Legislative Services ready to be messaged into the House, is that your understanding?

Sen. JACOBSON: My understanding with Senator Poulsen is that it could be filed in the Legislative Services so that it would come under the deadline. Under the agreement that nothing would take place until we straightened out this particular matter. Now whatever the house does is one matter but nothing is done until in fact both Houses agree.

Sen. ROCK: Well Senator if the bill is down in Legislative Services with the required number of signatures and obviously Legislative Services has no knowledge of what may have transpired here and they moved that bill ahead and we're taking the action that we are taking don't you feel that in at least some instance we are flying in the face of what the senate journal indicated was the committee of conference that there has been no discharge of the committee of conference, there has been no replacement to the committee of conference on this point, although I realize that is a possibility? How can that message be down in Legislative Services, signed by three Senators when the President tells us that he didn't appoint the members and that he doesn't know who did, and that they are all signed down there and ready to roll?

Sen. JACOBSON: I can empathize with your problem and I have stated my agreement with Senator Poulsen on this particular question. There is a further question as to what is the meaning of the amendment that is in the bill because we cannot find RSA 387-a.

Sen. ROCK: Would you be interested to know Senator that that is just the tip of the iceberg on this bill? The fact that you can't find an RSA that refers to it is a small problem compared to the real problem that we are facing if what happens in the process that is now apparently underway and at least the most unusual manner for it to proceed when the signatures of the conferees not conforming to the journal and no replacements authorized by the chair, I am going to ask to reserve to speak under Rule 44 on this one. This is a very, very unusual practice.

Sen. JACOBSON: Well senator I agree with you that it is a problem. I have tried to combine Senator Poulsen to the degree that he has asked of the time factor but he has also agreed that I'm in control of the situation until such time as the agreement is worked out.

Amendment adopted.

SB 168, adopting a safe drinking water act for New Hampshire.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 168**

Amend RSA 148-B:10, III as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

exceed \$500 for each day of such violation.

Amend RSA 148:24-a as inserted by section 2 of the bill by striking out line 3 and inserting in place thereof the following:

daily at least 60 days out of the year and which system utilizes any of the

Amendment adopted.

Recess.

Out of recess.

Senator Jacobson presented the following resolution:

RESOLUTION

Whereas, it is with profound sorrow that the Senate has learned of the passing of Charles L. Allen, father of Senate staff member Mrs. Bonnie Nolin, and

Whereas, Mr. Allen had been a resident of Warner for the past forty-six years and had been self-employed as a building contractor for the past several years, and

Whereas, he will be mourned by his large family and many friends, therefore be it

Resolved by the 1977 Senate of the State of New Hampshire that its expression of condolence to his daughter and his family be placed in the record and made a part of the Permanent Journal, and be it further

Resolved, that a suitable copy of these resolutions be prepared for presentation to Mrs. Bonnie Nolin.

Senator Jacobson presented the following further resolution.

RESOLUTION

Whereas, a Resolution is the means whereby the Senate can recognize and honor the superior achievements of an individual, and

Whereas, the entire Senate is honored by the recent recognition given one of its members, Mary Louise Hancock, when she was awarded the President's Medal of the New Hampshire Planners Association for special contribution to the field of planning in New Hampshire, and

Whereas, Mary Louise has enabled the people of New Hampshire to see that conflicts and differences, politics and economics will change and fade but the land will remain for the use of others, and

Whereas, her concern for future generations, her energy, honesty and integrity also contribute greatly to her effectiveness in the Senate, therefore be it

Resolved, that the Senate of the State of New Hampshire does hereby express its gratitude to Mary Louise Hancock for her years of public service, congratulates her on the receipt of the President's Medal from the New Hampshire Planners Association, and hopes that her concern for intelligent planning for the state's resources may inspire others to contribute to a better society.

COMMITTEE OF CONFERENCE MEMBERSHIP SUBSTITUTION

HB 228, imposing an additional one cent tax on motor fuel and fuel other than motor fuel, dedicating 95 percent of the revenue to towns and cities, and relative to the construction of the Spaulding turnpike extension and making an appropriation therefor. Sen. Bergeron will replace Senator Preston on the committee.

DISCHARGE

Sen. Poulsen moved that the committee of conference on HB 481, amending the charters of certain savings banks be discharged, and a new committee be appointed.

Sen. ROCK: Mr. President I rise to oppose the present motion and I have two reasons. I think the first of which is a very serious matter before the Senate. It is my understanding that a committee of conference report is already being signed if it is not already signed with new names of senate members on the committee of conference. Some of the Senators might not have been here a little earlier when I questioned Senator Jacobson regarding the appointment of the members of the committee of conference on HB 481. It seems that there are two senate committees of conference groups on the same bill. The first appointed on June 9th with the recollection of the President of the Senate and the recollection of the democratic leader of the Senate and I would call your attention to page 969 of the senate journal wherein it states and I quote, "HB 481 amending the charters of certain savings banks." Senator Provost moved that the senate accede to the request for a committee of conference. The Provost motion was adopted and the chair appointed Senators Poulsen, Rock and Bossie. When I arrived at the committee of conference for the first meeting, there was a question as to who were the conferees on the part of the Senate and in the presence of other members of that committee of conference I called the Senate President's office I spoke with the Senate President who were the conferees. The Senate President checked and came back and said the conferees on the part of the senate are Poulsen, Rock and Bossie. And now we find that somewhere floating around in the halls of this Senate was another committee of conference appointment and we now find that before the committee of conference has been discharged or before a new member of a committee of conference was appointed there is another committee of conference report being signed with another senator's name on it before this senate has had an opportunity to take action on discharging the committee of conference because of failure to reach agreement or because of the replacement of one member of the committee of conference. Now let me tell you a little bit about HB 481. In case you didn't know. HB 481 is the back door to branch banking in the state

of New Hampshire. This senate I believe adopted an amendment that they did not fully understand or comprehend on one of the late night sessions that drastically changed the original HB 481. How did it change it. It changed HB 481 by amending it to include HB 317. Let me give you a little history on HB 317. HB 317 the back door to branch banking, had three separate votes of the committee on consumer affairs in the House of Representatives. On the first vote it failed, on the second vote it failed, on two separate occasions within the committee. On the third vote with only thirteen out of 23 members present, it passed by one vote, 7 to 6. That motion was brought to the floor of the house on an out to pass with a minority report of inexpedient to legislate. Because the majority could not get a speaker they could not get one person to stand up and give them a majority report or be recognized, the minority was ready with its list of speakers to kill HB 317. The proposer of HB 317 was so concerned with the fact that the real expose was going to be put on the floor of the House of Representatives to tell them that you have a back door to branch banking that the sponsor moved to table the bill. And that is where HB 317 is now. On the table in the house except a lobbyist walked around this statehouse with an amendment to his bill in his pocket for two weeks and what was the amendment to HB 481. Well would you believe, it was HB 317. Who was the lobbyist. The lobbyist was John Albee. Maybe you have seen him around these halls, he is a lobbyist for the banks. Well that isn't quite true, he's the lobbyist today for the banks. On July 1st John Albee goes to work for the Merchants Savings Bank in Manchester. Who wrote the amendment? John Albee wrote the amendment. On July 1st he will be working for Ralph Jenson of the Merchants Savings Bank and don't you think that Merchants Savings Bank would love to have a bank in Nashua. But you see they can't now because as a State's savings bank they come under the state banking commissioner and you have to have a little legislative overview and you have some say in whether or

not they are going to branch but if you adopt the amendment, the Albee amendment to 481 which is 317 sitting over there on the table, a savings bank can convert to a federal savings and loan providing the federal government changes the law which they are expected to do momentarily and you don't have to come to the banking commissioner in New Hampshire anymore to branch in Nashua or New London or Dover or Durham. There might be a banker in Dover who would like to have a branch over in Durham. And there might be a banker in Concord who would like to have a branch in New London. He can't do it now because he has to go to the banking commissioner where the legislature has some input. But if he transfers it into a federal savings and loan he doesn't have to ask anybody in the state. This won't happen says Mr. Albee because that is a complete sexual change. It takes a lot of work. Big problems to change from a mutual bank or a savings bank into a federal, too much paper work—my God, you don't understand Senator Rock what a great job that is going to be to have that change. Really? Well then how come they want this bill so bad. If it is such a big, difficult thing to change, what did the second amendment say. Well that one came out of the blue after I had met with Mr. Gosher who represents another banking group who refused to take a position on this bill, they didn't come out for this bill, they didn't come out against it because there is a strong dichotomy within their own group on the branch banking issue. Out comes another amendment which says, this won't take effect until six months after the federal government makes its decision on the change in the banking law. So we are saying let us pass some anticipatory legislation. Let us pass some legislation that says the federal government three months down the line does something, then six months after that we will do something. Gentlemen you are just being snookered on branch banking through the back door and you don't realize what you are voting on. They say or you'll hear, well, we can do that anyway. Well if they can do that anyway, I submit you don't need 481. I have gone to meetings, I have sat down

and I have listened, interviewed, I have talked with, I have dealt into and I am able to tell you that the kooks don't want this, the banks in my area don't want this and if you approve it you are opening the back door to branch banking without giving the special survey that the banks themselves are willing to put through and spend several thousands of dollars. I understand the mutuals are putting in so much money, the nationals are putting in so much money to study branch banking in the state of New Hampshire. What is the real kicker is that your commercial banks can only pay 5% interest, your feds and your savings can pay 5¼% interest and if you want to take the whole thing off, take the difference out in the interest. Let everybody have their checking accounts, let everybody go their own way and do their own thing. That is fine with me, except that you can't do that. So the only protection that your state charter trusts have now is through the banking commissioner's office and the overview of this legislature. And that is why I have been so strong on my position on 481. But really hurts me that before I was discharged from the committee, before they through off Senator Rock and try to keep branch banking under control in this state they already had a new committee of conference, they already had it signed, there was a little technicality there, the wrong paragraph there, they had to pull it back and resign it again, small issue, it was already resigned, so you can move to discharge the committee of conference if you want, and you can put anybody else on that you want but when you do remember what I told you you are accomplishing. You are opening up branch banking to the state of New Hampshire and you are making a hero out of John Albee for the Merchants Savings bank in Manchester.

Sen. BRADLEY: Senator I don't understand how getting federally chartered, if that is the right word, allows you to go into branch banking because we have a lot of national banks that are federally chartered?

Sen. ROCK: Federal savings and loans do not have to come to the state of New Hampshire to branch. They are under the federal home loan act. They don't have to

come to our banking commissioner to establish a branch bank.

Sen. BRADLEY: Unlike the national banks.

Sen. ROCK: Mutuals and nationals. If you are national you are a holding company and then you can branch as I understand it.

Sen. BRADLEY: But if you are just a plain, simple, national bank like the national bank of Lebanon, you are subject to this state's anti-branching law?

Sen. ROCK: The national Federal Savings and Loan and the first federal savings and loan are not. And this allows you if you are a state chartered savings bank to convert into a federal savings and loan bank without the approval of the banking commissioner of the state of New Hampshire and then you don't have to come to us for anything.

Sen. BRADLEY: Does the banking commissioner agree with your conclusion that this, assuming the feds pass a law and assuming that a bank chooses to get under it, that that will get them out from underneath our branching laws?

Sen. ROCK: The problem that the banking commissioner has right now, is that you have a brand new banking commissioner who has been on the job for only a couple of months, is very impressionable and I don't think he has had the opportunity to work long enough with the branch banking problems in this state. I don't think that at this point in time this legislature that has given up everything else up to the feds, should be willing to give up this last overview to the feds. I don't know if the commissioner agrees with me or not but even if he does I think that you have a very new impressionable commissioner that may not understand this whole situation.

Sen. DOWNING: Senator you say that an agreed conference report exists now?

Sen. ROCK: Senator I point to page 969 of the journal where it says that, Poulsen, Rock and Bossie are the conferees. I just heard a motion from Senator Poulsen to discharge the committee of conference but I submit that

there is an already signed committee of conference with another name on it in Legislative Services before the committee and I think that it happens to be Senator Smith, but I don't know. I have never heard of this process where a Senator has been replaced on a committee without either asking to be replaced for a committee discharge which is a debatable motion to discharge a committee of conference is a debatable motion?

Sen. POULSEN: Senator Jacobson in the summary that Senator Rock has given on two committee of conference reports, was there anything in that whole process that was known as best you know, until you and I and Senator Rock at all times.

Sen. JACOBSON: Well Senator, I know full well of the June 9th committee of conference. I know who signed the document sheets, the first two names Poulsen and Rock were signed by yourself Senator, and the second and third name Senator Bossie was signed by Senator Downing. The second committee of conference sheet on a second house message asking for accession to a committee of conference the names of Senator Poulsen, Senator Smith and Senator Bossie appeared. No one has been able to identify the autograph of those names. They are not in your hand, they are not in my hand and they are not in the clerk's hand which are the three normal persons to take care of it. I am not sure about Senator Bossie's name, whether Senator Downing signed that or not. But of the first two names which are really the issue and Senator Bossie appears on both of them so that it would not be a question with respect to him. I do not know and I am unaware of that particular committee of conference report. And when Senator Rock called me to ask about it I went to the June 9th one and there it was and I confirmed to him that it was Poulsen, Rock and Bossie.

Sen. POULSEN: Isn't that the way that the committee of conference proceeded to use Senator Rock as the second senate designee? When the committee was unable to reach agreement and I asked for a replacement you knew it, Senator Rock knew it, and we also knew that time was coming in on us and I asked you did I not, can I get

this signed and held in your possession so that it won't get anywhere until we clear the circuit with Rock's permission that we do this. Is that essentially the words that we used?

Sen. JACOBSON: Senator I was unaware of the second committee of conference report until this morning and you came to my office and you said, look there are two committee of conference reports here and I said What! Two? And sure enough we checked and the narrative that I gave in response to the first question is what happened. I said to you since you said to me that the second committee of conference was in agreement that you could then proceed but that I would hold the committee of conference until the question was settled by the senate and I have it right here on my desk.

Sen. PROVOST: Senator Smith is it not correct that you have signed a committee of conference report on HB 481 some time prior to now?

Sen. SMITH: Yes.

Sen. PROVOST: When were you informed that you were on the committee of conference for 481?

Sen. SMITH: Senator that has been a question of debate in my mind for about three days due to the fact that I was notified that I was on the committee of conference when over two days ago to meet and found Senator Rock there and left. Not until today, yesterday I was asked if I might be interested in going on the committee of conference and I was not very interested in going on the committee of conference. In the interim because I had some doubts about this amendment I talked to some people in savings banks in my area, I talked to some other people who were concerned and interested in this piece of legislation, and I found no opposition to it. So I said if it was agreeable I would be willing to go onto the committee of conference. I told Senator Poulsen that this morning with the understanding that this be checked out with Senator Rock who was made aware of this and that Senator Jacobson would be aware of this and my views on the amendment. I also said that until something had been resolved, I did not want to sign this. Then Senator Jacob-

son came to me while I was in a joint rules committee this morning and said that he and Senator Poulsen had discussed this, I would sign it with the understanding that he, Senator Jacobson, would hold this in his hands until such time as it was resolved by the senate.

Sen. PROVOST: Has there been any other committee of conference that you have served on this year or that you have been put onto in which you have signed the committee of conference report prior to your being put onto the committee?

Sen. SMITH: It was always a question in my mind Senator as to who was on the committee.

Sen. PROVOST: The question is have you been on any other committees here this session or replaced anyone on a committee, that you have signed a committee of conference report prior to being appointed to the committee?

Sen. SMITH: No. But I am not sure that I haven't been assigned to that committee of conference.

Sen. ROCK: Senator Jacobson, did I contact you by telephone this morning and ask you if the discharge of a committee of conference was a debatable issue?

Sen. JACOBSON: That is correct and I answered yes.

Sen. ROCK: Did I not further state that I intended to make an argument against the discharge of a committee of conference should such a motion be made?

Sen. JACOBSON: That is correct.

Sen. ROCK: Was there any discussion in that conversation that I had with you wherein you indicated to me that there was a new committee of conference report being circulated and being signed?

Sen. JACOBSON: Yes, I indicated to you that it had been discovered and brought to me by Senator Poulsen that there was in fact a second committee of conference that had been appointed.

Sen. ROCK: Did you not indicate to me in that conversation subsequent to that fact that you were unable to determine who had made the appointments to the committee of conference on behalf of the Senate President?

Sen. JACOBSON: I told you that I did not know who had made the appointments to the second committee of

conference, that is the June 16th one, I did know who made the appointments on the June 9th one.

Sen. ROCK: Are there any other committees of conference that you can recollect this session wherein there were committee members named by the Senate President or from the Republican side of the Senate wherein you could not determine who made the appointment?

Sen. JACOBSON: None.

Sen. ROCK: Is this then not a most unusual and strange situation that we have a second committee of conference with new names of members that no body seems to know who named them?

Sen. JACOBSON: Senator I do not recall it ever happening on any committee of conference in the five terms that I have been in the Senate.

Sen. SMITH: Senator McLaughlin, if you check the journal you will find Senator Rock's name in there, if you look at the house record where all the committee of conferences are named, dated June 17th. And here is the senate journal of the 16th which says, . . .

Sen. DOWNING: Senator Rock do you realize that no confusion exists as far as the Democratic Leader is concerned, that there was one appointment made to HB 481 that was Senator Bossie and he appears to be in there in both sections. There is no confusion concerned as far as the Democratic party is concerned.

Sen. ROCK: I understand that and I would further state that while I am sure that Senator Bossie has studied the amendments and the bills and at any of the committee of conference meetings that I attended I didn't see him there but I am sure that he studied them. I don't know what meetings Senator Smith attended so that he could be informed enough to know that he was putting branch banking in the state by signing the committee report on 481.

Sen. SMITH: Did we not attend a committee of conference together for a short time?

Sen. ROCK: We walked in the door together and you promptly left Senator, yes

Sen. MONIER: As I understand it, what we are really doing

now is debating the motion of discharge of a committee of conference?

The CHAIR: That is correct. The question before the Senate is the motion of Senator Poulsen for the discharge of the committee of conference on HB 481.

Sen. MONIER: Then am I correct that if that motion was to be sustained a new committee of conference would be appointed?

The CHAIR: If the motion before the Senate at the present time is adopted then it would be the intention of the chair to appoint a new committee of conference.

Sen. MONIER: If the motion was defeated then there would be no new committee of conference?

The CHAIR: If the motion were to fail there would be no new committee of conference.

Sen. MONIER: Then at that point the committee of conference which has been requested be discharged would still be in effect, am I correct?

The CHAIR: The chair would have to state that you are correct.

Sen. MONIER: If it was sustained and a new committee of conference was appointed any conference report that they might produce now, yesterday, or tomorrow would still go back to the Senate for further acceptance or rejection?

The CHAIR: If a new committee of conference were appointed then a new report would be forthcoming.

Sen. MONIER: Until that question is resolved then we have no report in front of us for consideration?

The CHAIR: The chair is unaware of any committee of conference report on HB 481 at the present time.

Sen. MONIER: And we are not voting on one?

The CHAIR: No we are not.

Sen. ROCK: If the motion presently before the chair prevails to discharge the committee of conference, which committee of conference are you going to discharge?

The CHAIR: Senator if the motion passes it would be the intention of the chair to call a minute recess.

Sen. DOWNING: Mr. President would it be in order to

amend the motion to say that all conferees in HB 481 would be discharged and new conferees appointed?

The CHAIR: The motion would be in order.

Sen. Downing moved to amend the motion that all the Senate conferees to HB 481 be discharged, and a new committee be appointed.

Sen. POULSEN: Mr. President, how much time is left for the admission of a new committee of conference reports. In explanation, are we killing the bill by doing this?

The CHAIR: The chair will state that the time is indefinite at the present time since the clock has stopped at 2:20 on Monday and I would state that we will probably still be at 2:20 Monday this week until possibly Monday of next week.

Sen. POULSEN: May I speak on the present motion before we vote on it?

The CHAIR: The chair recognizes Senator Poulsen to speak on the amendment as offered by Senator Downing.

Sen. POULSEN: Mr. President I urge my colleagues in the Senate to vote against Senator Downing's amendment. Not that I have any objection to it as an amendment but for the sake of time. It can be done if we use the present names or leave it to the discretion of our President. But if we get all new names that is going to mean a complete redoing of the whole thing and I am awfully afraid the ax may fall in the meantime.

Sen. DOWNING: Senator Poulsen do you realize that my motion merely states that new conferees be appointed, it didn't exclude the present conferees. It isn't my intention to exclude the present conferees. I have every intention of appointing the same Democratic conferee as who is on there?

The CHAIR: The chair will state that he did state that new members the amendment as offered by Senator Downing as I understand it now, is that a new committee will be appointed not necessarily new members.

Sen. ROCK: Senator Jacobson, what efforts have been made to investigate how this I believe very serious error could occur, wherein we have two committees of conference named on the same issue moving ahead in different directions. Has there been any effort made to determine who put those names on that bill?

Sen. JACOBSON: I have made every effort and as you will recall we earlier discussed this matter on the senate floor and no one has come forward to identify themselves and I believe the only other possibility is that if every member of the senate and every member of the senate staff write their names down we could then have a handwriting expert come in and determine who did it?

Sen. JACOBSON: So the Senate may be perfectly clear as to what we are doing now, you agreed with me that we would have a debate on the question of discharge, up or down. Is that correct?

Sen. POULSEN: That is correct.

Sen. JACOBSON: So that if the vote is up then we are going to move in one direction and if the vote is down we will move in the other direction?

Sen. POULSEN: Correct. I don't think that there is a thing that we have done, thought or said that wasn't open or above board.

Sen. ROCK: I rise in opposition to the amendment as I rise in opposition to the basic motion. There is one other issue that I did not raise mainly because I didn't think of it as I was speaking earlier. I think I did give you a little history on the House handling of 317. I told you what a close vote it was in committee and how there was no effort made to save the bill on the floor of the House even though it was an ought to pass report, majority and a minority, inexpedient to legislate, with a one vote margin out of the committee. But don't you know that when the committee of conference was appointed by the House, not one single member who was in the minority position who lost by only one vote after three previous votes that failed, not one single person in the minority, was appointed to that committee of conference. And George Roberts is playing the same game with this bill that he

has played with a lot of your other bills. He is getting his own way and I wouldn't be surprised if it was found in the House record that the committee of conference members were changed, it is George Roberts who is now appointing the Senate Committee of conference reports just as he is doing in the House.

Sen. Fennelly moved the previous question.

Adopted.

Amendment adopted.

Motion to discharge.

Sen. Rock requested a roll call. Seconded by Sen. Lamontagne.

The following Senators voted yea: Lamontagne, Poulsen, Smith, Bradley, Blaisdell, Trowbridge, Keeney, Hancock, Healy, Provost, Brown, Bossie, Fennelly, Downing, Preston, Foley.

The following Senators voted nay: Gardner, Bergeron, Jacobson, Rock, McLaughlin, Sanborn.

16 yeas 6 nays

Sen. Monier abstained under rule No. 42.

Motion to discharge adopted.

The chair appointed Sens. Poulsen, Smith and Bossie.

HOUSE MESSAGE
HOUSE ADOPTS COMMITTEE OF CONFERENCE
RECOMMENDATIONS

SB 350, authorizing games of chance at Agricultural fairs and nonprofit fundraising activities.

SB 337, relative to family day care.

SB 48, forbidding entertainers less than 18 years of age from working in places where liquor or beverage is sold.

SB 81, an act relative to the penalty of wilful trespass involving forest product.

SB 114, authorizing the inclusion of dog races in

sweepstakes and drawings conducted by the sweepstakes commission.

SB 49, exempting certain vehicles from the motor vehicle title law.

SB 369, authorizing the town of Littleton to exceed its bonded indebtedness to cover present indebtedness of the Littleton water and light department.

SB 236, relative to a single retirement rate, service retirement benefits and vested rights under the New Hampshire retirement system.

SB 249, relative to the definition of rule in the administrative procedures act.

SB 289, relative to the issuance of licenses to operators of golf, indoor tennis, racquet and curling clubs.

SB 167, relative to the enforcement of court ordered child support payments.

SB 334, relative to the transfer of the Manchester and Nashua policemen to the New Hampshire retirement system and making an appropriation therefor.

SB 171, relative to dredge and fill and the location and certain specifications of wharves and piers.

SB 189, establishing a coastal resources management program and making an appropriation therefor.

SB 101, relative to allowable uses of written reports filed after an accident.

SB 276, concerning the penalties for using unapproved insurance policy forms.

COMMITTEE OF CONFERENCE REPORT

Committee of Conference Report on HB 573

The committee of conference to which was referred House Bill No. 573, An Act providing for the acquisition of certain dams and water rights by the water resources board and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurr-

ence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. Robert B. Monier, Dist. 9; Edith B. Gardner, Dist. 4; Mary Louise Hancock, Dist. 15.

Conferees on the Part of the House: Reps. Russell G. Claflin, Carr. 4; Paul I. LaMott, Graf. 6; Ruth L. Griffin, Rock. 19; Ernest R. Coutermarsh, Hills. 24.

Sen. Trowbridge moved to adopt the committee of conference report on HB 573.

Sen. TROWBRIDGE: This is a little bill with three dams in it that got tied up during the fight over in the House on the Fiscal Committee thing and the Speaker told somebody to keep the committee of conference report which had been duly signed by our conferees. The committee of conference report is the same as the Senate version. They accepted the Senate version completely so that there is nothing new to come before you, because I got tied up in a little struggle I ask your indulgence to not see the committee of conference report which only says that the House accepted the Senate amendment. I hope you will vote for it.

Sen. KEENEY: As I recall when it went through the Senate, only the dam in Derry was involved?

Sen. TROWBRIDGE: No that is not true. When it went through the Senate we added on the dam in Mason and in Rindge. Through the Senate floor amendment.

Sen. KEENEY: Then my memory is wrong but did I not also see these three dams provided for in the budget?

Sen. TROWBRIDGE: No. They are in this little bill repairing these dams. Two are washed out, that is all there is too it. It is the original bill, the House played games with me and so on.

SUSPENSION OF RULES

Sen. Trowbridge moved that the rules of the Senate in regard to printing of the committee of conference report on HB 573 be suspended at the present time.

Adopted.

Committee of conference report on HB 573 adopted.

SB 48, forbidding entertainers less than 18 years of age from working in places where liquor is sold.

See House Journal. pg. 3018

Sen. Blaisdell moved to adopt the committee of conference report on **SB 48**.

Adopted.

SB 81, relative to the penalty of wilful trespass involving forest product.

Sen. Bradley moved to lay the committee of conference report on **SB 81** on the table.

Adopted.

SB 171, relative to dredge and fill and the location and certain specifications of wharves and piers.

See House Journal. pg. 3019

Sen. Smith moved to adopt the committee of conference report on **SB 171**.

Sen. PRESTON: Senator Smith are there portions of HB 690 sithin SB 171?

Sen. SMITH: Yes, there is one portion, page 4, I believe, of the committee of conference report which deals only with that section of 690 that said that the board will hold hearings to set reasonable rules and regulations. We were favorable to this in the committee of conference because in adopting the legislation relative to the dock section it became almost impossible to get the intent of the

legislation as to the foolish, ridiculous restrictions which have been placed by the special board on the construction of docks and piers. And for that reason Senator Jacobson and Senator Preston, we put that section in so that there can be some public input as to the rules and regulations.

Sen. SMITH: On 171, Mr. McGee and Vern Knowlton are satisfied with the bill as it stands and particularly with that session about 690.

Adopted.

HOUSE MESSAGE

The House has voted to suspend Joint Rule 23 that requires printing and distribution of Committee of Conference reports to desks and seat pockets of the members be suspended.

Sen. JACOBSON: The speaker and I have agreed that all committee of conferences which can be agreed to must be agreed to and signed and delivered to legislative services by 5:45 which is one half hour from now and if they are not in there then the committee of conference is gone except for the budget revenue, the operating budget and the capital budget and any new legislation come in under the rules. I think SB 75 which came from the supreme court. Those we have already agreed to previously with respect to that. They can be entered in both houses and that the both houses suspend the rules with regards to all the copies so that we can take them up and be done with them today and close the day off.

Sen. BRADLEY: The 5:45 deadline that you are talking about is getting the agreement to Legislative Services or getting the final signed thing to Legislative Services?

Sen. JACOBSON: Signed and in.

Sen. BRADLEY: If the committee of conference thing has been agreed to but they haven't finished typing it yet, you are saying that it is going to die?

Sen. JACOBSON: Well, what do you think Mr. Speaker.

The CHAIR: The chair declares a brief recess.

Sen. BRADLEY: This doesn't preclude further committees of conference being made if the committee of conference report is discharged you can have another one established and keep going?

Sen. JACOBSON: I think that there would be a problem with that because we will then be closing off the day but we would have to face that situation when we reach that one.

Sen. BRADLEY: When do you anticipate that we will have acted on the committees of conference?

Sen. JACOBSON: We want to act on as many of those as we can tonight, today.

Sen. BRADLEY: If we haven't finished acting on something until next week or whatever when we are going to come back again and we reject the committee of conference, are we then stuck with nothing, with an inability to take further action?

Sen. JACOBSON: I think it is the same problem that we faced with SB 207 as you recall, where we had reconsideration after the final day had passed for transfer from Senate to House. We have to have a final day and that would be a question that we would deal with at that moment.

Sen. BRADLEY: Wouldn't it make more sense to make it clear that this agreement doesn't prevent us from taking the normal kinds of further action as long as we are in session such as discharging a committee and coming in with a new conference report?

Sen. JACOBSON: I would say that we have been at 2:20 to this point and we would have to have the concurrence of both Houses with respect to that because the joint rules say that everything should be finished.

Sen. MONIER: Senator Jacobson it bothers me that less than two or three days ago the question was asked of the chair, not once but several times, that once we kept our clock at a particular time that we were going to get adequate notice as to when the cutoff date or place would actually be. To be very frank with you, I don't consider coming in at 5:15 and telling us that 5:45 is the

cutoff is adequate time to notify us. May I ask for your comment on this?

Sen. JACOBSON: My comment is that we have to work on joint action and no matter what we did if the house did something other than that it would still fall by the wayside.

Sen. MONIER: Then what you are saying is that the 5:45 deadline is something that the House is imposing on this and that we must not go beyond that?

Sen. JACOBSON: I am saying that we have agreed on that particular issue, the Speaker and I have agreed on that but the Senate can do as it wishes.

Sen. MONIER: To follow Senator Bradley's comment, just a clear straight answer. At 5:45 there can be no more committees of conference regardless of whether we discharge one, whether we disagree with one etcetera, the period is over for anything except for things besides committees of conference?

Sen. JACOBSON: I would say that that is technically correct but if there is a discharge of a committee and a new committee of conference is taken up by agreement of our House and Senate that could then be continued and allowed as we did with SB 207.

Sen. BERGERON: Senator correct me if I am wrong but I was under the impression that the original agreement had a 5:00 p.m. cutoff today. Aren't we just extending it $\frac{3}{4}$ of an hour?

Sen. JACOBSON: That is what had been said previously although I did not specifically agree to that but that is what the House had intended to do.

Sen. PRESTON: Mr. President, I would just like to speak to an announcement by the President one of the senate and I hope that he will clarify it. Any suggestion of suspension of printing bothers me. I don't know what agreements have been made on that but I would just like to state for the record, we have had three bills appear on committees of conference that their fate had either been previously decided by the Senate or the House and got blocked up in committees of conference. Senator Rock alluded to one today, SB 208 the other day and a good

portion of HB 690 appeared in the committee of conference today and I just would like to suggest that the President could clarify this for us.

Sen. JACOBSON: We have agreed, the Speaker and myself, to suspend rule 23 with regards to printing but we have also agreed that that is only applicable to the House and that all bills will be printed in the Senate. No bill will be taken up until committee of conference reported till they are printed.

Sen. LAMONTAGNE: Mr. President what happens to a committee of conference report on HB 1128 that is relative to child support enforcement?

Sen. JACOBSON: I believe that that was signed and I don't know if that has come up for action.

Sen. Trowbridge moved that the Senate also suspend Joint Rule No. 23.

Sen. DOWNING: Mr. President I rise in support of the pending motion again with the Senate continuing to print all of its reports merely to relieve the problem in the House. Some of the printing machinery is broken and they just can't seem to handle it with 400 members. If their members are willing to go along with that I see no reason why we should hold them up. We will continue to print all of our reports.

Adopted by a 2/3 majority.

COMMITTEE REPORT

SB 75, imposing certain limitation on oil suppliers doing business in the state. Ought to pass with amendment. Sen. Bossie for the committee.

Sen. BOSSIE: Mr. President at this time I would like the general agreement of the Senate to limit debate on this bill to 20 minutes, 10 minutes each side. Everybody understands the issue of this bill. It has been the longest bill in the history of this state's Senate. It is numbered 75

and here it is June 23rd and it is still before the Senate, it hasn't even gone to the House for a hearing so with the consent of the Senate we could limit debate to 20 minutes, I'll start off. Is there any objection.

The CHAIR: Hearing no objection from the Senate members debate will be limited to 10 minutes on each side.

Sen. BOSSIE: Mr. President the amendment to SB 75 is on your desk, each of you. Basically this combines two amendments that you saw yesterday. These are the same ones they are just combined. As you know we sent this bill over to the supreme court. And we have given you copies of the split decision of the supreme court. The majority says that the bill is constitutional if we make it prospective or go toward the future and the minority say that it is constitutional at any rate. So what we have done is amend the bill in accordance with the ruling of the supreme court so that it would exclude all gasoline stations that exist at the present time, no matter who they are. So the large oil companies, the suppliers will not in the future be able to run and put out of business the local gasoline dealers. We have gone over this bill about a month or so ago when we originally took it up and gave the pros and cons. My good friend from Dover, Senator Fennelly, gave you some of the ideas that the committee had and reached as a result of the testimony before us. But at the same time we have heard here before us today, Senator Rock complain about a lobbyist for a certain group. So I would like to say here on the floor here today we will see how effective the lobbyists have been on this bill. Because this is perhaps the most important consumer bill to come before us today but at the same time it is the most highly lobbied bill before us. In fact I saw Mr. Stacey Cole up in the balcony earlier today and I am sure that he has gotten around to all of his friends to give him all of the information on it, they are deathly opposed to this. And obviously they should be. If we adopt the amendment and go with the bill, it will put nobody out of business. It is a prospective bill, one that

applies to the future. We have done everything within our powers and I speak of the members of the committee that introduced the bill, Senator Saggiotes, Fennelly and myself, to make it as acceptable as possible, as palatable to every faction but what has happened? The big oil companies are still fighting us. They want to be in the business of selling products and of car parts in the state of New Hampshire. They are going to be the ones that are fixing your car. And they are going to be paying the local guys \$2.30 or less if they are only 18 years old or less. This is just not right, this is a bill that would protect everybody who is in the business and I would say for my good friend from Hampton Senator Preston who has great concern that this would affect distributors or jobbers. Jobbers are of course those people that buy gasoline products and then they sell them to local gas stations. What this will do, this will have no effect on them. They are not suppliers, only suppliers are prohibited after the effective date of this bill from operating retail outlets. We ask you to go along with the amendment and with the bill and we would like it to proceed today. I realize that there may be a member or two that is missing. But this bill has been dragging on long enough. Please let us do something with it. I urge you to adopt it.

Sen. PROVOST: Senator Bossie, section 2, number 1, on the front of the page. Would this mean that no new outlet would be built from now on?

Sen. BOSSIE: Yes, so those people like Mobil Oil could not build their own station after the effective date. If they are going to sell gasoline products in New Hampshire they would have to either hire say someone like you to build it or to run it. They can sell you the products and then you can sell them.

Sen. PROVOST: Do you know how much it costs to open up a gasoline station?

Sen. BOSSIE: I have no idea but I will say that I have worked on some for clients and they buy and they are able to pay and I don't object to it. They pay more for a corner lot of land than all of us have money in the bank. Frankly, in the city of Manchester, and I really object to

it, every decent piece of land is owned either by a gasoline station, a bank or filling station. I think it is a shame. I don't mind if the local people run these gasoline stations. We want it to be kept at the local level. We don't want some megalopolis from Texas running our business up here. I think this bill is kind of a home rule bill for our local people. I have great cause for the people that are in the business other than the fact that I don't think that they should be run out of business by people from out of state who want to really do them out of a decent wage.

Sen. LAMONTAGNE: Did I hear you correctly when you answered Senator Provost that it means that after a certain date that no more filling stations will be built by the major filling stations, is that correct?

Sen. BOSSIE: After the effective date of this which is on passage, they can build all the stations that they want, just as they do, and they lease them to local people, but they cannot own it and run it at the same time. This will prohibit them from doing that because that is going to encourage the monopoly that we want to discourage.

Sen. LAMONTAGNE: I didn't ask you about the leasing in any way. I am asking you a question whether or not the major oil companies could build?

Sen. BOSSIE: The answer is no. They can still build it but they cannot operate it themselves.

Sen. LAMONTAGNE: But they can build it?

Sen. BOSSIE: They can build it. Now I see a great percentage of the buildings, retail gasoline stations, are owned by the major oil suppliers and they are leased to the local people and they have to pay say a cent on each gallon of gasoline sold for rent. That is okay, I have no problem with that. It is just when they say to your constituent up there in Berlin, we don't want you in there anymore, you are making too much profit. We'll kick you out, we can run it and hire some little flunky to run it for \$100 per week and we don't need you.

Sen. LAMONTAGNE: Senator what happens in a case where the companies cannot find someone to lease their

stations. What happens then?

Sen. BOSSIE: Believe me senator if they couldn't find somebody to lease it they would sell it. Because of the fact that if the company or companies do as they do now, the most profitable gasoline stations, everybody wants to lease. It is only if they put the rent too high which they say, like 4 cents a gallon on every gallon of gas so that the monthly rent would probably be several thousand dollars on a prime location.

Sen. LAMONTAGNE: Senator let me ask you a question, what is going to happen with those buildings, are they going to leave them empty?

Sen. BOSSIE: Senator Lamontagne, do you know and did you listen to my first comments, that this would not affect any gasoline station in existence at the present time? Read the bill, read the amendment, because it won't affect them and you can be darn sure that they are not going to build a new gasoline station that is not going to be profitable, these guys are not klutzes, they know.

Sen. LAMONTAGNE: I didn't have a chance to read it because we just got it today.

Sen. BOSSIE: Well it was there yesterday.

Sen. LAMONTAGNE: I didn't see it.

Sen. ROCK: Mr. President I rise in opposition to the amendments to SB 75 and in opposition to the bill itself. I think we should have some figures before us that are meaningful to indicate monopolistic giants are operating half of the service stations in the state of New Hampshire. In 1974 there were four such service stations operating in the state of New Hampshire. That is owned and operated by the majors. In 1976 that number increased to 13. So I think we have to put into perspective that there are in 1976 versus 1974 only 13 stations owned and operated by the majors. In relation to that the majors were selling gasoline to 1,113 service stations which is a pretty sizeable number and we are talking about taking over the state, I would be more concerned with Cumber-

land Farms owning 52 citgo stations than I would be with 1.1%, 1.1% of the stations in the state being owned and operated by the majors. I have to agree with the sponsors of the bill that tell us that the court has said that it is constitutional. I certainly can't argue that, I was the one that asked for it to go for the constitutionality ruling but the fact that something is constitutional doesn't always make it good law. The passage of SB 75 by its very nature would be an anti-consumer bill. The reason I say it would be an anti-consumer bill is because it is going to result in increased prices for the consumers of gasoline in the state. The more middle men that you place in the business between the purchaser and the state, the more middlemen that you place in the business between the purchaser and the consumer, the higher the price is going to be. So I believe that it is not only anti-competitive and anti-consumer but I think it will result in higher prices of gasoline, should it be allowed to go into effect. The only other thought in summarizing and trying to be brief as I know that we have a time limit on the debate, is that you are talking about one point 1% of the service stations in the state.

Sen. FENNELLY: I will be brief, I don't have the figures, the oil lobbyists haven't given them to me, basically it is a simple bill. I traveled a distance of 8,000 miles, went out to the west, visited about 30 or 40 stations out there and what is happening out there is going to happen here in New Hampshire. What the oil companies have done and to give you one example, I am sure we all have heard of Ace gasoline, Blackjack, Scott, about 30 of them are owned by one company, Phillip 66 and they have their own stations. What they do is form these dummy corporations, they are prime owners of it and they sell the gas, because they have great abundance of it to these filling stations that they own at a lesser price than they sell to their own stations where it is marked Phillips 66. This has been going on so what is happening is that the individual that is renting from Phillips in a town will sell regular gas at 62c and Blackjack which is also owned by Phillips 66 in the same town, will sell it at 56c. This is

what this bill is fighting against. It is there to help the mechanic or the man leasing, to be competitive. In the testimony in committee it was the men who lease who cannot buy the gasoline from the distributor or supplier than what they are selling it retail. A difference of maybe 6 or 7 cents. So this is what the conglomerates have done but more than that they are interested overall in the parts business and this is what they are after. This bill is to keep your mechanic in the back room in business. If it isn't passed you are going to see—for example: in the city of Dover, about four gasoline stations were sold. One was Texaco, one belonged to Shell, it is now a bank. The other one is going to be a restaurant. As soon as these four were sold, these twenty four pump stations, Gulf put it up of self-service. First they are going to eliminate their own competition within their industry and then eventually they are going to eliminate the man who is the mechanic. And as Senator Bossie says everything will be on a massive scale. If you want a new generator, they will set the price on the parts and that is what they are after. This bill will stop that.

Sen. ROCK: Senator Bossie you referred to the gasoline stations and the filling stations owning all of the prime corners of the city. Would you agree with me that the corner of Elm and Webster street in Manchester is a prime corner?

Sen. BOSSIE: Sure is.

Sen. ROCK: On the four corners there are two commercial establishments one is a gasoline station and the other one is a law office.

Sen. BOSSIE: Right.

Sen. ROCK: So the lawyers do have some prime corners too?

Sen. BOSSIE: No. Well I will say this, it is a commercial area. As you probably know the one that broke the bank down there was the gasoline station about 12 years ago it set quite a precedent in New Hampshire legal history because the whole matter went to the supreme court. The supreme court ruled in favor of the gasoline station and I don't mind anyone owning property but it seems

that those who are represented by a national interest are able to pay more and those that are owned by institutions certainly can pay more. I would have to add that non-profit institutions also do gather some rather substantial land holdings.

Sen. ROCK: Would you place a comparative value on the filling station versus the law office opposite it on Elm at the corner of Webster, which one do you think is worth more?

Sen. BOSSIE: I see no relationship to that of what you are asking and the bill. As you know what we are talking about is preventing monopolies from taking over the state of New Hampshire and I don't think we have any problems with any law firms especially the Divine firm.

Sen. ROCK: You referred to the fact that I had spoken earlier to the lobbyists. Is it not true that in the reference I made to the lobbyists I stated that the lobbyists wrote the bill? It is true in this case that you wrote the bill, not a lobbyist?

Sen. BOSSIE: It would be very interesting and I am glad that you pointed that out. We did not get the idea for the bill. We got the idea from a report from a federal committee of the commerce committee of the U.S. senate. There is a bill in the congress to do just this except to go all the way. It is to do what the supreme court of New Hampshire said we couldn't do, to make it retroactive. The supreme court at least the majority, which I guess I disagree with, the minority Chief Justice Keniston's is the better viewpoint, but I think the supreme court of the United States would uphold it. It is a legal argument, I just think that we made it according to the way that you wanted it. You wanted the supreme court to rule on it. The think that I really opposed, I don't mind sending things over to the supreme court and I have asked for some of the other bills that you have had to go there which they didn't, but I just don't think that we should have this circuitous route in the future. We have five people over there very distinguished, they do a fine job. I don't want to kill bills by sending them over there. I want to kill bills by having them here and if we are

going to kill it I have no problem with that. If this one goes I have no problem although I strongly favor it and would urge my colleagues to favor it also.

Sen. BLAISDELL: Senator Rock you stated the court opinion said this was constitutional. In the last page from the court didn't it also say that it still raised many constitutional question?

Sen. ROCK: That is correct.

Sen. PRESTON: Senator Bossie I like what you are attempting to do with the majors but as you know my concern is for the local distributor. Could you on page 2 explain that one section. 339c-12?

Sen. BOSSIE: This is a way to protect distributors of petroleum products from the major oil companies owning the stations, giving a better price to their own than they could to the guy across the road so as to put the guy across the road out of business and keeping their own service station in business. This is an equalizer that says they won't do for theirs that they wouldn't do for others. And vice versa.

Sen. PRESTON: Senator Bossie my concern is with the small in-state distributor and I have five companies here, two of whom I called, I am just concerned as to what effect it will have on them as to their present customers the gas stations they are now selling to or the stations that they are now operating?

Sen. BOSSIE: I guess I don't see any problem area inasmuch as the fact that gee, if we are going to allow monopolies to come in here and open up their self-service stations then why are we going to allow these people to put the local guy out of business by allowing discount to their own company stores or company garages, but not to the others. Everybody should be treated alike. That is all that portion says. I really wonder why these people are fighting it unless they are some of the ones that are part of the monopoly. I think it is a fair thing and I really, I try to be for the consumer and I am sure that Senator Rock is and although he is opposing this, you have got to balance it, make your own judgements and if you feel that the best interests of the people of your area would

be better off by adopting this bill then you should vote for it.

Sen. BERGERON: Senator, believe me, I have had no preconceived thoughts on this matter at all. I didn't think I was even going to be here so I didn't take the stuff home to read last night. But in reading the amendment, 339c-11 1 and 2, I have a feel that what we are encouraging here is price fixing or eliminating the competitive atmosphere that we have now and I just wonder if by doing this the ultimate result would be price fixing and the consumer would be the big loser. You're taking all the competitive advantages away from the free enterprise system?

Sen. BOSSIE: Senator would I surprise you in telling you that that is what is going on now. The company-owned garages are getting better treatment in getting their products cheaper than the guy across the road who isn't?

Sen. BERGERON: Okay Senator if I bought that then my next question would have to be with the ultimate result being the consumer winning, does it make it wrong?

Sen. BOSSIE: Let me put it this way, I do not think that this bill discourages competition it just provides—look, if you are going to give the company-owned garage a break and you're going to sell him time for \$10 rather than \$12 like the small local guy, then it should be \$10 across the board and then if the guy wants to cut his price down to \$9.00 be my guest. I just don't see any problem there, this functional price system is good too it just provides that everybody in the same category, prices the same. If I have a station that sells 1 million gallons a day then I can buy my gas cheaper than you could. You see?

Sen. FENNELLY: Senator Bossie, in the committee testimony, to some degree of our discussion after the committee hearing, that a bill like this would eventually help the distributor because if the large conglomerates of oil companies that have their own stations even though it is only 1%, they have made a commitment to go into self-service, if they open up all the self-service without portion of mechanics, and just go into that area, is it not

true that the oil companies themselves will supply their own station and eventually the local distributor would be gone?

Sen. BOSSIE: That is true.

Sen. MONIER: Am I correct that we had a 10 minute limit on this debate?

The CHAIR: Yes.

Sen. Blaisdell moved the previous question.

Adopted.

Sen. Blaisdell requested a roll call. Seconded by Sen. Brown.

The following Senators voted yea: Poulsen, Bradley, Bossie, Fennelly, Downing, Preston, Foley.

The following Senators voted nay: Lamontagne, Gardner, Bergeron, Jacobson, Monier, Blaisdell, Rock, McLaughlin, Keeney, Hancock, Provost, Brown.

Sen. Healy paired for with Sen. Sanborn paired against.

7 yeas 12 nays

Amendment failed.

Sen. Rock moved that **SB 75** be indefinitely postponed.

Adopted.

(Sen. Bossie, Downing, Foley recorded in opposition.)

HOUSE MESSAGE

HOUSE REQUESTS CONCURRENCE

INTRODUCTION OF A HOUSEBILL AFTER THE DEADLINE WITH THE APPROVAL OF 2/3 THE JOINT RULES COMMITTEE

First and Second Reading and Referral

HB 1203, establishing a tax on carbonated beverages. To Ways and Means.

FURTHER COMMITTEE OF CONFERENCE REPORTS

SB 49, exempting certain vehicles from the motor vehicle title law.

See House Journal. pg. 3019

Sen. LAMONTAGNE: Mr. President, members of the Senate, the House amendment only included one word, vehicle. At the time that I had asked for a committee of conference

I had not seen a copy of the amendment and therefore had made the motion. Therefore, the conferee committee is mad and therefore have agreed to accept the House amendment. This is in reference to the title bureau which will exempt ten years off of the bureau.

Sen. Poulsen moved to adopt the committee of conference report on **SB 49**.

Adopted.

Recess to the call of the Chair at 2:20 p.m. on June 20, 1977.

Out of Recess.

Sen. Saggiotes in the chair.

ENROLLED BILLS AMENDMENTS

SB 70, relative to the appointment and duties of the New Hampshire retirement system trustees.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 70**

Amend section 2 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

RSA 100-A:14, V (supp), as inserted by 1967, 134:1, by striking out said paragraph and inserting in place thereof the following:

Amend section 3 of the bill by striking out line 2 and inserting in place thereof the following:

Executive Secretary. Amend RSA 100-A:14, XII (supp) as inserted by 1974, 40:74 by

Amend section 10 of the bill by striking out line 2 and inserting in place thereof the following:

after section 43 the following new subdivision:

Amend RSA 100-A:43 through 46 as inserted by section 10 of the bill by renumbering said sections to read as

100-A:44, 100-A:45, 100-A:46 and 100-A:47, respectively.

Sen. LAMONTAGNE: This amendment corrects two errors in amending language and renumbers the new sections as a result of the passage of SB 339.

Amendment adopted.

SB 71, providing for state assistance to persons suffering from hemophilia.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 71**

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 137-D the following new chapter:

CHAPTER 137-E

Amend RSA 137-D as inserted by section 1 of the bill by renumbering sections 1 through 4 to read as

137-E:1, 137-E:2, 137-E:3 and 137-E:4, respectively.

Sen. LAMONTAGNE: Mr. President, this amendment renumbers a new chapter as a result of the passage of HB 300.

Amendment adopted.

HB 1172, relative to the filing dates for candidates in the primary for any elective office.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 1172

Amend section 2 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

said section and inserting in place thereof the following:

Sen. LAMONTAGNE: This amendment corrects an error in the amending language of the bill.

Amendment adopted.

SB 206, relative to the salary of an unclassified employee as it relates to the salary of a subordinate classified or unclassified employee.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 206**

Amend RSA 94:1-a, II as inserted by section 1 of the bill by striking out lines 5 through 7 and inserting in place thereof the following:

in the new salary range is less than that of a subordinate classified or unclassified employee shall be placed at the next higher step in range above said classified or unclassified employee and shall be entitled to any increase provided for herein until the maximum

Sen. LAMONTAGNE: Mr. President this amendment inserts the word classified in two paragraphs to make it conform with the later insertion of the word unclassified and to carry out the wording of the bill.

Amendment adopted.

SB 321, establishing the office of state negotiations.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 321**

Amend section 2 of the bill by striking out lines 9 through 14 and inserting in place thereof the following:

11 Salary of state negotiator	\$18,272	\$18,993
10 Permanent personal services	7,143	7,423
20 Current expenses	7,380	7,650
60 Benefits	3,812	3,962
70 In-state travel	294	294
80 Out-of-state travel	544	544

Sen. LAMONTAGNE: Mr. President this amendment inserts the appropriation codes for the lines and puts the lines in the proper order so that the appropriation follows the standard form.

Amendment adopted.

SB 282, relative to vehicles transporting construction equipment and relative to exempting out of state vehicles from a user's license until July 1, 1979.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 282**

Amend RSA 263:68-d, I as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

such load on each such unit is bound by:

Sen. LAMONTAGNE: Mr. President, this amendment corrects a double negative in the bill.

Amendment adopted.

HB 1194, concerning collecting sewer charges in municipalities with over 80,000 population.

Sen. Lamontagne for the committee.

Enrolled Amendment to **HB 1194**

Amend section 1 of the bill by striking out line 6 and inserting in place thereof the following:

the collector of taxes with a warrant under the hands and seal of the mayor and

Amendment adopted.

HB 870, to provide for the use of interpreters for the deaf for all administrative and judicial proceedings in which deaf persons are involved and relative to hearing dogs.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 870

Amend RSA 521-A:5 as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

agency under the authority of the state or political subdivision of the

Sen. LAMONTAGNE: Mr. President this amendment makes a grammar change relative to the misuse of the conjunction.

Amendment adopted.

HB 1130, relative to the dispensation of controlled drugs.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 1130

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Definitions. Amend RSA 318-B:1 by inserting after paragraph 1 the following

Amend RSA 318-B:1, VI as inserted by section 2 of the bill by striking out lines 11, 12 and 13 and inserting in place thereof the following:

hospitals, pharmacists, physicians, dentists, veterinarians, laboratories, registered manufacturers, suppliers and to the general public by such means as it shall deem adequate. From and after the hearing date, the sale or dispensation (except by

Amend section 8 of the bill by striking out line 2 and inserting in place thereof the following:

by striking out in lines one and 2 the words "federal narcotics laws" and inserting

Amend RSA 318-B:17-a as inserted by section 17 of the bill by striking out line 5 and inserting in place thereof the following:

practitioner, veterinarian, pharmacy, peace officer, nursing home, manufacturer,

Sen. LAMONTAGNE: Mr. President, this amendment corrects grammatical errors in the amending language of section 8 of the bill.

Amendment adopted.

HB 844, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 844

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Public Safety. Amend RSA 155 by inserting after section 42 the following

Amend RSA 155:42 and 43 as inserted by section 1 of the bill by renumbering said sections to read as

155:43 and 155:44, respectively.

Amendment adopted.

HB 567, relative to the New Hampshire retirement system cost of living increases.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 567

Amend section 1 of the bill by striking out line 3 and inserting in place thereof the following:

100-A:42-a Supplemental Allowances in General. Any group I or group II member

Amendment adopted.

SB 173, establishing the New Hampshire municipal bond bank as a public body corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns and districts and making an appropriation therefor.

Sen. Lamontagne for the committee.

Enrolled Amendment to SB 173

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing the New Hampshire municipal bond bank as a public body corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns and districts.

Amendment adopted.

COMMITTEE OF CONFERENCE REPORTS

SB 350, authorizing games of change at agricultural fairs and nonprofit fundraising activities and permitting local officials to receive reports of beano games.

See House Journal. pg. 3041

Sen. Brown moved to adopt the committee of conference report on **SB 350**.

Sen. BROWN: Mr. President, what the amendment does is that in each paragraph of the original bill where it is stated it uses the words nonprofit organization, they have been changed to charitable organizations and it also gives the definition of a charitable organization which is an organization holding or eligible to receive an IRS nonprofit organization number. Also one of the last things, the only other change, is that they have to keep a record of expenditures and receipts for thirty days in case anyone requests an audit.

Adopted.

SB 369, authorizing the town of Littleton to exceed its bonded indebtedness to cover present indebtedness of the Littleton water and light department.

See House Journal. pg. 3029

Sen. Poulsen moved to adopt the committee of conference report on **SB 369**.

Adopted.

SB 114, authorizing the inclusion of dog races in sweepstakes and drawings conducted by the sweepstakes commission.

See House Journal. pg. 3025

Sen. Fennelly moved to adopt the committee of conference report on **SB 114**.

Adopted.

SB 337, relative to family day care.

See House Journal. pg. 3034

Sen. Sanborn moved to adopt the committee of conference report on **SB 337**.

Adopted.

SB 276, concerning the penalties for using unapproved insurance policy forms.

See House Journal. pg. 3041

Sen. Bergeron moved to adopt the committee of conference report of **SB 276**.

Adopted.

SB 236, relative to a single retirement rate, service retirement benefits and vested rights under the New Hampshire retirement system.

See House Journal. pg. 3021

Sen. Trowbridge moved to adopt the committee of conference report on **SB 236**.

Sen. TROWBRIDGE: This bill was the basic bill that

put together the problems of vesting, the problems of equal service credits, of people who worked for the state and for single rate for group I and II. Taking the easiest one first, in the old days there were different rates for women and men on the basis of their life expectancy. Actuarially there is a difference in how long you can expect a woman to live and retire as opposed to a man. However, recent court rules have made it illegal to discriminate on that basis and so one of the reasons for 236 was to have a single rate and that is set. And that is the least difficult part of the bill. The other part of the service retirement, we have brought it in before to you saying that the teachers had gotten this thing whereby they had gotten full credit for as long as they worked. The state employees did not. They only got half credit after 30 years. This basic inequity came in in 1973 when frankly, as I have said before on the floor of the Senate, we got hoodwinked into doing it. An effort had to be made to equalize the two groups in group I. Our compromise was that everyone would get $\frac{3}{4}\%$ credit after 60 years of age and only paid $\frac{3}{4}$ of a percent as a contribution. Whereas now they pay full and only get $\frac{1}{2}$. All sorts of inequities. The conference went around and around and on that issue we finally got agreement from the House that we had to affect the equalization at $\frac{3}{4}\%$ but that we would go from 60 to 62 years of age. The reason for that is that at 62 a person can retire from the state at its most beneficial time because between 62 and 65 if you retire, you get almost full benefits from the state side plus you get social security. You get both payments until you get to 65 at which point there is an offset where the social security payments offset against your retirement benefits so that there is somewhat of a golden retirement there for 3 years the way the thing is set. So we thought that 62 at that point, you have been working 10 years, one year or 40 years, you would get full credit up to age 62 which is not true now. So it is better for the long term employee. A person who stays with the state from age 21 to 61, 41 years will get full credit whether he is a teacher, state employee or anything and that is important. Whereas, before if they

were a state employee and started at age 21 and got to age 51 he he would get only half credit and he would be paying in full. So that was really bad and the house agreed that there had to be a point where the system made people recognize that they were coming towards the retirement window as it were, and that everybody got equal treatment at that time. So we did in fact get agreement on that. If you had not agreed with it you would have had another group in here, the state employees, it was just an impossible situation. I don't think it is unfair at all. The other part of the bill the vested retirement bill, everybody vests at 10 years which is the Arisis standard, that is the new federal pension law of 10 years and after that you are fully vested, that standard is in a great many contracts now and it used to be that the state employees had to go 15 years to get vested and the teachers 10. Another thing of trying to catch up with this game that has been played where one group gets something and then another group groups up. At this point SB 236 is our best effort to equalize everyone in group one and I hope no one ever lets one group get ahead of another again.

Sen. PRESTON: Senator Trowbridge, how much would this actually mean in dollars and cents to a teacher who was going on retirement?

Sen. TROWBRIDGE: Up until a person is 62 years of age it won't mean a cent. It used to be that after 30 years retirement then they dropped down and a teacher could very well teach 40 years so we have eliminated that discrepancy. The normal working time of someone is some point around 62, 63 somewhere they begin to think about retirement. Only in the last 3 years if they work to 65, would they be affected. Instead of getting credit of 1/60th they will get a credit of 1/80th. It is miniscule in terms of credit. If, however, they worked on until 70 it would be the period between 62 and 70 or 8 years where that difference would take place. You take the difference between 1/60th and 1/80th credit even over 8 years, it is not a great amount of money. Testimony that we got as well is that very few teachers whom you know out there are really worrying about this. People who are coming

and bugging us now are the professional teacher lobbyists who care about this stuff. I went back and went through Conval school and asked about 25 teachers, are you aware of the issue number one and number two, do you care. And there response was clearly, I am going to retire when I feel I should retire because my husband is retiring, or my son-in-law has moved to Arizona. There are all sorts of reasons why people retire independent of whether they are getting 1/60th or 1/80th. I think if anybody gives you a long song and dance on that, its phony.

Sen. HEALY: Senator could you tell me how does the New Hampshire's teachers retirement board stand on this? Do they accept this? You mentioned that the teachers seem to be disinterested, but my calls reflect that they are extremely interested in this bill.

Sen. TROWBRIDGE: There is no question that there is a group, Senator Healy, who represent the teachers who are really semi-pros, they spend their time up here who are going around and saying all the teachers were given this credit in 1973, you shouldn't take it away from them. That is what they are probably calling you about. Teachers were given a credit and in my estimation, by mistake. It shouldn't have been given in the first place. Secondly, the difference of what we are offering now that the only difference now is between getting $\frac{3}{4}$ s credit for the last 3 years of their normal teaching cycle before they are eligible for retirement. They are eligible at 60 but normal retirement is between 60 and 65 with 65 being when they get full benefits. In only three years there are we cutting them from full credit to $\frac{3}{4}$ credit, that makes a very small difference in their pension. As I said to you Senator Healy, you are going to hear from the teacher groups that say we want everything. But there are very few retirements who do not have some scale down as you come to a retirement window which says, at this point if you want to work on you can, no problem, but you do not get full credit after the time at which you are eligible for retirement.

Sen. HEALY: Senator, for example now a teacher that

served in a teaching system say for 15 years and for some reason or other had to leave the teaching profession and then comes back later on and resuming instruction, that period of lapsed time for this teacher, is the system picking that up, or just what is happening there?

Sen. TROWBRIDGE: This bill has nothing to do with that whatsoever. If they are not teaching, they are not getting credit. That is their decision. They can come back into the system and start out again and they get their prior service credit but they don't get credit for the time that they were off. That's axiomatic.

Sen. HEALY: In other words Senator, you are telling me that if a teacher say taught ten years then took a leave of absence for some reason or other possibly an emergency or something, later on when she went back into the system and she was advanced say 10 years more in age now she would have to work extra time and that lapsed period would give her no credit at all?

Sen. TROWBRIDGE: Under any system and right now and all the way through she gets no credit for the time she did not serve. That is no change in this bill.

Sen. HEALY: In order to retire she has to be in a system a certain number of years or is it just on an age bracket?

Sen. TROWBRIDGE: Just on an age bracket, that is what we are saying now. If she say taught between the time that she was twenty and 28 and then went out had a family and age 45 came back into the system, she has accumulated 8 years credit and then worked another 10 years to 55, so she has a total of 18 years credit. At 55 she can get her rights and she will receive them at 60. No change in this bill at all from what was before. It is only if she comes back at age 55 and wants to work from age 55 to 65. At age 62 she will get $\frac{3}{4}$ credit instead of full credit. At age 62 for those last three years. In terms of the tradeoff, it is the best tradeoff that we can provide.

Sen. FOLEY: Mr. President, just a few remarks on this. I was on a couple of other committees of conference and stayed to listen to the committee of conference on

this bill and I can understand how the teachers feel. Back in 1973 they felt that this full credit was a priority and they worked for it and they got it. Where the SEA thought that other things were a priority and they didn't work for this, they worked for Blue Cross-Blue Shield, more of that, as I understand it and did not work for this, so that the teachers got it and once you have something it is very, very difficult to take it away or to be satisfied if a portion of it is taken away. I think it is very costly to put everyone up to 100%. It would seem unfair to take some of them and leave them at 50% where the others were getting 100% and the compromise was to give 25% more to the employees and take 25 from the teachers. The employees won't be really happy because they didn't get the 100% and we have unhappy teachers because we are lowering them but it might be the best of a bad deal all around but with money the way it is now I don't know how else we can do it. But I am very much in sympathy with the teachers on this because once you have something it is very difficult to see it go at this late stage of the game.

Sen. TROWBRIDGE: Senator Foley, is it not your understanding that we are doing this all prospectively and we are not taking away any of the credits that they earned between 1973 and 1977?

Sen. FOLEY: That's right.

Adopted. (Sens. Fennelly, Healy, Foley, Preston recorded in opposition.)

SB 101, relative to allowable uses of written reports filed after an accident.

See House Journal. pg. 3041

; Sen. Rock moved to adopt the committee of conference report on **SB 101**.

Adopted.

SB 189, establishing a coastal resources management program and making an appropriation therefor.

See House Journal. pg. 3040

Sen. Monier moved to adopt the committee of conference report on **SB 189**.

Adopted.

SB 167, relative to the enforcement of court ordered child support payments.

See House Journal. pg. 3040

Sen. Bradley moved to adopt the committee of conference report on **SB 167**.

Sen. JACOBSON: HB 167 left this Senate in a form in which it opened the election process to every individual in the State of New Hampshire. However, when it got to the committee of conference there was a resistance and consistent stonewalling act perpetrated on the bill. Unfortunately, those people who had so loudly proclaimed that they were for openness were precisely the ones who were slamming the door. We had a committee of conference in which there were those individuals who prattled about openness but when it came down to a decision preferred to be closed. I feel very badly that the registered voters of New Hampshire are being denied the privilege in choosing their elected officers. I want to go on the record again in saying that this is probably, the Senate amendment to HB 167 is probably the most important piece of legislation to be brought before the legislature in this session in which it was voted openness and complete access to the voting process. For any one to change party registration except during the primary period. So they can come and change their registration at any time which means that out of any two year period only 100 days would not be available for changing party registration on the principle that was repeated over and over again, we

want to keep intact the two party system. So essentially that is what the committee of conference report does. It opens the change of party registration and or the change back to independent status at any time except during the primary period.

Sen. BOSSIE: Senator Jacobson you mentioned that only 100 days a year could someone not change their party affiliation. How about those cities that have municipal primary elections. What effect does this have on them?

Sen. JACOBSON: They will be able to change at any time except during the period of the primary in the bien-nium.

Sen. SANBORN: I just want to get this timing Senator clear in my thick head. In other words, the time that we say, sign up and we're going to run for office until after the primary is over, that period there they cannot change?

Sen. JACOBSON: They cannot change party registration and the reason for that is that we want to have these changes in party registration on those occasions when they are in fact, true conversions.

Sen. BRADLEY: Senator Jacobson, how does this change the present law with respect to the amount of time before the primary that one is allowed to switch over?

Sen. JACOBSON: The present law says that there can be only 10 days that a change in registration can take place before the primary period. That is what the present statute says.

Sen. BRADLEY: So you can change up to 10 days before, that is the present law?

Sen. JACOBSON: The present law says only 10 days from 100 days to 90 days prior to a primary which would be the primary period, the 90 days. Only in that 10 day period which is the month of June that you can presently do it.

Sen. BRADLEY: This is to change from one party to the other or to go to independent, another party.

Sen. JACOBSON: To go from independent to another party is possible on the day of voting, but they will allow

you and always has been, to change from one party to another party and it will allow you to change from one party back to unaffiliated status.

Sen. BRADLEY: Any time during the year, the bill will allow?

Sen. JACOBSON: Any time during the year.

Sen. BRADLEY: But have you lengthened the time from the primary back, I am not saying this right. You have increased the amount of time back from the time in which you can switch over?

Sen. JACOBSON: Yes. From the date at which you file, the first day of filing for a primary, from that date back to the last primary election.

Sen. BRADLEY: Is the period in which you can now under your proposal, switch?

Sen. JACOBSON: Switch parties or go back to unaffiliated.

Sen. BRADLEY: But under the present law can't you switch from 90 days back?

Sen. JACOBSON: No, only in that 10 day period.

Sen. BRADLEY: That is what I am trying to get at. From 90 to 100 days back from the primary you can now switch. In your proposal it is to be able to switch from 100 days back. No, from 90 days all the way back to the previous primary.

Sen. JACOBSON: Exactly. Which means that in the neighborhood you will have about 600 days from which you can change and the present statute is 10 days.

Sen. LAMONTAGNE: What happens to the supervisors when they have to have their checklist. Will this have any effect on them at all?

Sen. JACOBSON: It will have no effect on them because they by statute meet a certain day before they need to post a checklist for whatever purpose and there are statutes that say after that date changes cannot be made and that is true in every situation.

Sen. LAMONTAGNE: If I understand that correctly, then the supervisors now under the law have 10 days to prepare the checklist and then anyone can change a party affiliation ten days before the election?

Sen. JACOBSON: No they cannot, not by this. That is they cannot change it 10 days before the primary.

Sen. LAMONTAGNE: Well how many days?

Sen. JACOBSON: From the date of the beginning of the primary to the close of the primary.

Sen. SANBORN: When you mentioned the 90 days, 100 days, I was just trying to remember. Didn't we pass a bill earlier this session relative to the filing period would be all in June?

Sen. JACOBSON: That is right. In general practice now, if this is adopted, you cannot change your party registration from approximately June 15th until after whatever day the primary is over.

Sen. SANBORN: We'll say the primary is 15th of September. Senator Bradley as a registered republican, goes in and votes as a registered republican and as he walks out of the bullpen turns to the supervisors and says, change me to an independent.

Sen. JACOBSON: The practical effect is that.

Sen. HEALY: Senator in your review of this conference report, you indicated pretty much that you are not really satisfied yourself with it that you did compromise. Right?

Sen. JACOBSON: In the interest of allowing true conversions from one party to another to take place.

Sen. HEALY: Do you say this is a beneficial or possibly more of a handicap to the independent voter?

Sen. JACOBSON: The real handicap to the independent voter is his or her inability to vote in every election. My original bill allowed for that, my original amendment to this bill, allowed for every registered voter to vote. This does not allow this except of course as they can presently if they want to establish a party definition they can pick up anyone, anyone who is unaffiliated, can pick up a ballot on primary day and then become a party person. There are many who do not want to do that.

Sen. HEALY: That is the principle question behind the whole bill as far as I am concerned. I am a maverick myself although I am a registered Democrat but if I should be an independent and go into vote and I wanted

to vote a democratic ticket or a republican ticket I become thus registered as a republican or a democratic member if I should accept either one of those partisan tickets?

Sen. JACOBSON: That is correct, that is the present statute and this does not change any of that.

Sen. HEALY: In order to go back to an independent status I have to run for the town clerk, register of voters in a town or a city, and say that I want to go back and be an independent, is that correct?

Sen. JACOBSON: That is correct. That is the present statute also. Except it limited your opportunity to change to 10 days.

Sen. HEALY: Was not the original intention of this bill to prevent something like that. Where an independent wanted to go in and vote for either party, whichever he preferred, come back out and didn't have to through the handicap of running for the board of registrars or go back and say, I want to be an independent. Wasn't that one of the original reasons?

Sen. JACOBSON: The original purpose with my amendment was to allow anybody to vote in every election.

Sen. HEALY: But you didn't want in your original, in an open election like that, in other words, you did not want them to become party designates, is that proper?

Sen. JACOBSON: If they so desired not to become party designees, they did not have to be. Those that wished to be could be.

Sen. HEALY: Since you signed this, you do approve it I presume, and you do go on record as supporting this amendment?

Sen. JACOBSON: I do go on record as supporting it because it does open the prospect for those who are true converts from one faith to another faith in the political sense of the word. They can change.

Sen. MONIER: I'll be very brief. No one can challenge the articulateness of the distinguished Senator from the seventh district. I would just like to add a couple of words to this. I thoroughly agree with what Senator Jacobson said and I am very pleased to have supported

the amendment and co-sponsored it with him that would have called for an open primary. I think what both Senator Jacobson and I did was try to smoke out those people that loudly proclaim through Common Cause and many of the other interest groups that they are all for open elections. But when it comes down to the wire they refuse to vote for open elections. Right here on this Senate floor when we were debating these questions, statements were made to the effect that we really want to move this from 90 days to 10 days before the election or we'll bargain for 20 days before the election for the purpose to allow people to vote for the candidates. In short, the argument being and it was made, that if you do not allow a person to change parties in a primary after the candidates have filed and after they have laid out the issues and after they have given their statements, then you are not opening up the process. The truth of the matter is, that the amendment that Senator Jacobson and I offered would have opened it up completely. That doesn't seem to be something they wanted at all. The opening statement at the committee of conference was that this bill was originally designed to open up the election process of our voters to make their choices of candidates. The amendment that we offered would have allowed voters to make their choice of candidates, correct. The statement that was given several times was that the people be on that ballot without party designation is not correct. The amendment called for them to be listed as a democrat, a republican or an independent if they so desire to run. So we feel very strongly and I want to emphasize, that this amendment we offered, would have provided true openness. True openness. Not partial with a particular benefit of any particular candidate or party. The second issue that was involved or fallen back on was that you were describing the party. Now to be quite frank with you, you can't have your cake and eat it too. If you want to preserve the two party system seriously and strictly, then you cannot allow a change before or after a primary starts. If on the other hand you want to allow a full voting privilege an open primary allows that. I sup-

ported it down the line and stood with Senator Jacobson. So we have tried to maintain what has been said has been the reason for all of these election reforms. I think the amendment did it much better. This at least then does the other. It strictly preserves the party. In short, if you are going to be and insist that we have a republican or democratic candidate in the primary then this is the way that you are going to say that you will be with a party. The only one who had the advantage over democrats or republicans are the independents who may choose. We would have liked to have given that advantage to all. That's openness. Let's not play any games with it.

Sen. BRADLEY: Senator Jacobson, just to get this clear. The independent under the bill as you are now proposing. They come in on the day of the primary and declare one party or the other and get a ballot for that party.

Sen. JACOBSON: No this bill does not deal with that question, that is on the statutes at the present time and no changes in that.

Sen. BRADLEY: That is permissible under the present law and no change. Okay. When can he, he has now voted, he is now out of the voting booth, when can he go back to independent status?

Sen. JACOBSON: He can go back to independent status, begin the process to go back to independent status immediately after the primary by filling out an affidavit which is on another bill which we have already passed. Which would have been applicable to the old statute as well. He fills out an affidavit saying that I have been a member of so and so party and I no longer wish to belong to that party and I do want to belong to this other party or I want to go back to unaffiliated status. He files that with the town or city clerk and then that material forward to the supervisors of the checklist. And when they have their meeting then the change takes place.

Sen. BRADLEY: Does she or he have to go in front of the supervisors of the checklist?

Sen. JACOBSON: They can personally appear as well but they can also file it with the town or city clerk.

Sen. BRADLEY: But they don't have to worry about getting in front of the supervisors of the checklist. They can fill out this form at the balloting place and it will happen in due course?

Sen. JACOBSON: They file it with the city or town clerk.

Sen. BRADLEY: But if the things were available at the voting booth and the voting booth was next door to the town clerk's office they could do it all at the same time?

Sen. JACOBSON: They could go to the town or city clerk and fill one out and then that would be forwarded to the supervisors of the checklist.

Sen. BRADLEY: Now I don't understand your earlier statement that we are depriving a third of our voters from voting in elections. What did that refer to?

Sen. JACOBSON: That referred to the $\frac{1}{3}$ of our people who do not want to be apparently, identified with a party. They want to remain independent although they want to vote.

Sen. BRADLEY: Well this is where I don't understand you Senator. If I want to call myself an independent I can remain independent until I grab the ballot, and whatever party I want to vote in then I can walk out afterwards and fill out something that says I want to go back to being an independent. How have I as an independent, if I am one, been deprived of anything in that process, I don't understand what you are saying.

Sen. JACOBSON: The independent that you are speaking about is a person who has gone in and declared himself. But bear in mind that approximately 124,000 voters in the state of New Hampshire who have had the opportunity to do what you have just said have refused to do it. Because they do not want to declare themselves either democratic or republican or whatever party they want to go to.

Sen. BRADLEY: But the declaration that you are talking about is simply asking for a ballot, is it not?

Sen. JACOBSON: And the act under the statute, that declaration, places you in a party.

Sen. BRADLEY: But it only places you in the party

for the instant that you are in the voting booth, isn't that correct?

Sen. JACOBSON: That is technically correct. But there are 124,000 people who do not want to make that kind of decision to which they make a declaration. They have 4 or 500 of them in New London who don't do it.

Sen. BRADLEY: But the provision of going back or planning to back to independent status hasn't been on the books before?

Sen. JACOBSON: Yes it has. I fought for going back to independent status back in 1969.

Sen. BRADLEY: I thought you said we had another bill this time which allowed this business of going back immediately which was not possible prior to this?

Sen. JACOBSON: This bill allows you technically to revert back to either independent status or to another party after the primary at any time but the point that I think we are debating is that it is true that people can do that if they want to but my point is that there are thousands of people on the checklist of New Hampshire who do not want to declare themselves and these are the persons according to the secretary of state's office, I think there are 124,000 of them. And Senator Trowbridge who is moderator in the town of Dublin in the debate that we had on the bill over here in the senate said that he has people coming and saying we want to vote. And they say okay. You can take a democrat ballot or a republican ballot and they say no, we don't want to take a republican or democratic ballot, we want to remain independent. They can't vote.

BRADLEY: On the last page of your committee of conference report section 5 dealing with the party organization, I was trying to see in there what change that makes in existing law?

Sen. JACOBSON: There is only one change in that existing law and that is the sentence which says about resignations. That sentence is added.

Sen. BRADLEY: The resignation be received by the state committee and the state committee shall set a time

and place in a manner fulfilling such vacancy by election. That is the only change?

Sen. JACOBSON: Senator do you see this letter that I received, it says dollars for democrats. It is from Minneapolis, Minnesota. In it is a letter from Walter F. Mondale. Do you know who Walter F. Mondale is?

Sen. MONIER: I have heard of him.

Sen. JACOBSON: I would like to read this to you and it speaks about the democrats and it says they have committed themselves to much needed reforms in our government and to a whole new standard of candor, honesty and openness. Would the amendment that we sponsored jointly have contributed to openness.

Sen. MONIER: I think it would not only have contributed to openness I think it was the most open that you could find and there were some democrats that voted for it.

Sen. BERGERON: Did you send in your dollar to sponsor that Senator?

Sen. JACOBSON: No I haven't had that opportunity. I wanted to also fill out the comment.

Sen. BRADLEY: I rise in favor of this committee of conference report because it seems to me that it does make an improvement in the law but I can't let the occasion go back without making some counter to senator Jacobson's and Senator Monier's comments on this. I think Senator Monier may have made a little slip in what he said which I think really brings out the truth of the matter. And that is what they were really doing with their amendment was to smoke somebody out and not to propose something in all seriousness. The games being played here are theirs and not anyone else's. Unless you are only able to see black on one hand or white on the other, you don't have to fall for the trap that they are trying to set for someone. Because somebody wants to shorten the time period before primaries where one can switch from one party to another doesn't mean that you have to extend that principal to its logical extension or illogical extension or illogical extension which is an absurdity to do away with any requirement at all. It is a per-

fectly legitimate, logical position to say that we want to have some more openness, some more flexibility without taking it all away and destroying the two party system. Their arguments or their statements remind me a little bit of my children who want to stay out later than you want to let them stay out at night. If you accept their reasoning, if I give in at all, when they say 9 is too early, then to accept their point of view, I would then have to say stay out all night or it has to be 9 or all night. You can't have a 10 o'clock curfew. Obviously that is nonsense. You can tell your children to be in at 10 or 11 or whatever and you can have a cutoff date of 90 days, 80 days, 70 days, whatever and the question is what makes sense. And I think that 10 or 20 days would have made a lot of sense and I am sorry that we haven't been able to accomplish that but we'll try again.

Adopted.

SB 81, an act relative to the penalty of wilful trespass involving forest product.

See House Journal. pg. 3029

Sen. Poulsen moved to adopt the committee of conference report on **SB 81**.

Adopted.

SB 289, relative to the issuance of licenses to operators of golf, indoor tennis, racquet and curling clubs.

See House Journal. pg. 3024

Sen. Bradley moved to adopt the committee of conference report on **SB 289**.

Adopted.

SB 249, relative to the definition of rule in the administrative procedures act.

See House Journal. pg. 3023

Sen. Brown moved to adopt the committee of conference report on **SB 249**.

Adopted.

SB 334, relative to the transfer of the Manchester and Nashua policemen to the New Hampshire retirement system and making an appropriation therefor.

See House Journal. pg. 3024

Sen. Sanborn moved to adopt the committee of conference report on **SB 334**.

Adopted.

Committee of Conference Report on HB 167

The committee of conference to which was referred House Bill 167, An relative to legal voters changing party affiliation and the posting of checklists, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Altering Party Registration of Legal Voter. Amend RSA 56:37 (supp) as amended by striking out said section and inserting in place thereof the following:

56:37 Hearings on Alterations to Party Registration of Legal Voters. The supervisors shall be in session before each primary for the change of registration of legal voters

as provided in RSA 56:40. The sessions shall be on 2 days at least and at such other times as they deem necessary, and shall not be closer in time to the primary than the day immediately prior to the first day for the filing of a declaration of candidacy.

2 Registration Change. Amend RSA 56:40, I and II (supp) as amended by striking out said paragraphs and inserting in place thereof the following:

I. Change of Registration of a Voter Whose Party Membership has been Previously Registered.

(a) Any legal voter whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward any time they meet as provided in RSA 56:37 and stating to them under oath or affirmation, if required, that:

(1) He intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party; or

(2) He does not wish to be registered as a member of any party, in which case his party designation shall be removed from the checklist.

(b) He may also change such registration at any primary, upon making oath or affirmation to the same effect, if challenged, but he shall not be permitted in such case to vote the ballot of any party at such primary.

II. Change of Registration of a Voter Whose Party Membership has not been Previously Registered.

(a) Any legal voters who has not been registered as a member of any party may register as a member of the party of his choice by appearing before the supervisors of the checklist for his town or ward any time they meet as provided in RSA 56:37 and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party.

(b) He may also register as a member of a party at any primary by requesting and voting the ballot of the party

of his choice, and if challenged, he shall take an oath or affirmation to the effect that he intends to affiliate with and generally supports the candidates of that party.

3 Posting Checklist. Amend RSA 56:36 by striking out in line 3 the word "three" and inserting in place thereof the following (2) so that said section as amended shall read as follows:

56:36 Posting Copies. They shall post copies of the checklist, showing the persons in the town or ward entitled to vote, with their party registration, so far as such registration has been made, in 2 public places in such town or ward, at least 10 days prior to such session; and notice of the date, hour and place of the daily sessions to revise such registration shall be given upon such checklists.

4 Initial Registration. Amend RSA 56:39 by striking out said section and inserting in place thereof the following:

56:39 Party Registration. Whenever names are added to the checklist the supervisors shall register the party membership of the voter if he desires such membership registered; but if such voter has already been registered in any town or ward in this state as a member of any party, he shall not be registered as a member of a different party closer in time to the primary than the day immediately prior to the first day for the filing of a declaration of candidacy. The party membership of each voter may be registered by writing in ink, printing, or rubber stamping, after the name of such voter, the first 3 letters of the name of the party with which he registers.

5 Party Organizations. Amend RSA 56:63 as amended by striking out said section and inserting in place thereof the following:

56:63 Party Organization. The nominees from a party and state delegates of each county shall elect a county committee for their party either in said state convention or in county convention upon call of the chairman of the state committee. The county committee shall consist of such number of persons as the state convention shall by vote apportion to each county. The members of the several committees thus chosen shall constitute the state

committee of the party. Resignations from the state committee shall be received by the state committee and the state committee shall set a place and time and manner for filling such vacancies by election. A state committee may choose as its officers persons not members of the committee and such officers shall be ex officio members of the committee. The party members in each town, ward or city may effect such an organization as they may deem expedient for advancing the purposes of their party.

.6 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. Alf E. Jacobson, Dist. 7; Robert B. Monier, Dist. 9; Mary Louise Hancock, Dist. 15.

Conferees on the Part of the House: Reps. Raymond K. Conley, Carr. 3; Elaine S. Krakser, Rock. 22; Kenneth A. Randall, Belk. 3; Virginia K. Lovejoy, Rock. 4.

Sen. Jacobson moved to adopt the committee of conference report on HB 167.

Sen. Bergeron moved the previous question.

Adopted.

Committee of conference report on HB 167 adopted.

Committee of Conference Report on HB 218

The committee of conference to which was referred House Bill 218, An Act renaming the bureau of off-highway recreational vehicles and establishing an additional responsibility for the bureau, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new

amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Responsibilities. Amend RSA 269-C:3 by inserting after paragraph VI the following new paragraphs:

VII. The state treasurer shall keep all money appropriated to the department of resources and economic development for the bureau from the registration of off-highway recreational vehicles in a special fund to be known as the OHRV fund. At the close of each fiscal year any unexpended balance shall be carried forward and added to the appropriation for the subsequent year.

2 Supervisor Renamed. Amend RSA 269-C:3, V (supp) as inserted by 1975, 459:1 by striking out in line one the word "supervisor" and inserting in place thereof the following (chief supervisor) so that said paragraph as amended shall read as follows:

V. The chief supervisor of the bureau in the interest of safety may make such rules and regulations he deems necessary for the use and control of HRV trails, facilities and lands under bureau control or lease. These rules and regulations shall be printed in any guide books published and posted at proper locations throughout the bureau trail system. A person who fails to observe these rules and regulations shall be subject to the same penalties provided for other sections of this chapter.

3 Supervisor Renamed. Amend RSA 269-C:13, II (supp) as inserted by 1973, 560:1 by striking out in line 2 the word "supervisor" and inserting in place thereof the following (chief supervisor) so that said paragraph as amended shall read as follows:

II. The commissioner of the department of resources and economic development shall appoint a chief supervisor of the bureau of off-highway recreational vehicles, who shall have additional duties as state parks and forest security officer and shall be classified in the state police and fish and game law enforcement series with authority

under RSA 594. The commissioner of the department of resources and economic development shall, at his discretion, also appoint bureau of off-highway recreational vehicles area supervisors and foremen, who shall be peace officers for the purposes of RSA 594.

4 Supervisor Renamed. Amend RSA 269-C:13-a (supp) as inserted by 1975, 459:3 by striking out in line 4 the word "supervisor" and inserting in place thereof the following (chief supervisor) so that said section as amended shall read as follows:

269-C:13-a Law Enforcement Authority of BOHRV Officers. The commissioner of the department of resources and economic development may designate employees of the bureau as forest and park patrol officers. The chief supervisor appointed under RSA 269-C:13 and the forest and park patrol officers shall have the authority of peace officers as defined under RSA 594:1 to enforce the provisions of this chapter anywhere in the state and all rules and regulations of the department of resources and economic development on lands owned by, leased to or under control of the department of resources and economic development. Forest and park patrol officers shall also have authority as peace officers under RSA 594:1 to enforce laws dealing with trespass, litter, breaking and entering, larceny and vandalism on lands owned by, leased to or otherwise being used by the state in connection with official recreational or OHRV trails.

5 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. Andrew Poulsen, Dist. 2; Laurier Lamontagne, Dist. 1; Walter Healy, Dist. 16.

Conferees on the Part of the House: Reps. James Murray, Belk. 5; Marshall French, Belk. 1; K. Michael Tavitian, Rock. 9; Elmer York, Coos. 7.

Sen. Poulsen moved to adopt the committee of conference report on HB 218.

Adopted.

Committee of Conference Report on HB 275

The committee of conference to which was referred House Bill No. 275, An Act relative to the membership of the legislative utility consumers' council and expanding the council's jurisdiction, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 2 and renumbering the existing section 3 through 5 to read as 2, 3 and 4 respectively.

Conferees on the Part of the Senate: Sens. Alf E. Jacobson, Dist. 7; Ward B. Brown, Dist. 19; Robert F. Bossie, Dist. 20.

Conferees on the Part of the House: Reps. Elaine T. Lyons, Hills. 13; Marshall French, Belk. 1; Richardson D. Benton, Rock. 2; Gabrielle V. Gagnon, Hills. 21.

Sen. Jacobson moved to adopt the committee of conference report on HB 275.

Sen. JACOBSON: I will be as brief as I was lengthy this time. What the committee of conference report does is it removes the section relating to a change in membership and the net effect of that is leave the membership of the Legislative Utilities Consumer Council exactly as it is. Four members from the Senate, four members from the House, two members from each party.

Sen. ROCK: Senator, the House leadership attempted to disrupt the balance of 4 and 4 by adding a fifth House

member. The committee of conference saw the lack of wisdom in that and backed off from their position.

Sen. JACOBSON: The Senate amended the bill back to 4 and 4 and specifically designated I believe democrat and republican, 2, 2 from each House. It was that amendment that was in fact struck because the Senate members having established a principle that on permanent committees or councils that we have full co-equality such as we have not accepted for example with the Legislative Fiscal Committee. There has been some concern on the part of some members of the council in the way the House Speaker has appointed members and their political affiliations to the extent where the balance that was intended by the drafters of the legislation has been thrown off. Has the committee of conference report taken into cognizance that problem and is that now corrected.

Sen. JACOBSON: The present statute says that the President of the Senate shall appoint four members, 2 each party, and the Senate President appointed Senators Rock and Brown from the republican party and Senators Blaisdell and Bossie from the democratic party. The speaker of course has appointed who he has appointed. I have no authority over him or can do anything about his appointments.

Sen. ROCK: Then the answer is Senator we still may face the same stubbornness and the same dilemma because the committee of conference hasn't corrected that.

Sen. JACOBSON: The committee of conference did not correct any problem in the membership assignments because the House insisted on 5-4 and the Senate insisted that it remain 4-4.

Sen. ROCK: Senator Bossie as a member of the council you are aware of a difficulty that we have been experiencing even to the extent that we may face a challenge on the constitutionality or the legalization of the makeup of the council. Was this discussed in the committee of conference?

Sen. BOSSIE: It certainly was Senator Rock and as far as I am concerned there are two aspects of the bill. The first part was to extend the power of the council to in-

clude water and telephone utilities. The second part is to correct this problem that the Speaker of the House has confronted us with. Obviously he is going back two years ago when a member from the Senate who was elected as a democrat and actually it was a republican was appointed to the council and it was deemed through the President of the Senate that that individual was appointed as a republican. The fact remains that he has confused the issue substantially but at the same time he favors the council. The members of the committee of conference in the House stonewalled us with regards to this aspect. We wanted a provision in there that there would two democrats, two republicans from each house and as we know and you as a fine chairman, I must admit, of our council has been most nonpartisan, we all unanimously get along fine. We all I believe are proconsumer to a great extent and there is no problem. The only problem that we have ever had is the makeup of the council, the three republicans from the house, we love them. There is just one too many. That is all we want to correct. As far as I am concerned that we by deleting this section in the committee of conference intend, and I intend to make the motion at the next council meeting, that we initiate legal action. I have instructed the consumer advocate to check into the legalities as to what the proper procedure would be to litigate the question. If the Speaker of the House continues to rebuff us in this manner and it has to be corrected, otherwise we will be strictly in violation of the law.

Sen. ROCK: So as a member of the council you are satisfied that we should adopt this committee of conference report because it takes care of the overview of other utilities that were intended to be in the law but weren't specifically named two years ago and that we will have to take further action in another arena against the stubbornness of the Speaker?

Sen. BOSSIE: Yes Senator Rock, and I urge my colleagues to vote yes for the committee of conference report. It is a good one we just could not get any cooperation from the house members to do what we felt was correct on this side.

Adopted.

Committee of Conference Report on HB 316

The committee of conference to which was referred House Bill 316, An Act relative to the exemption period for the subdivision plat approval, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exemption Period. Amend RSA 36:24-a (supp) as inserted by 1975, 142:1 by striking out said section and inserting in place thereof the following:

36:24-a Four-Year Exemption. Every plat approved by the planning board and properly recorded in the registry of deeds shall be exempt from all subsequent changes in subdivision regulations and zoning ordinances adopted by any city or town, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements, for a period of 4 years after the date of recording, provided, however, that once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat, or the terms of said approval, the rights of the owner or his successor in interest shall vest and no subsequent changes in subdivision regulations or zoning ordinances shall operate to affect such improvements and further, provided, that:

I. Active and substantial development or building shall have commenced on the site by the owner or his succes-

sor in interest in accordance with the approved plat within 12 months after the date of approval, or in accordance with the terms of said approval, and where a bond to cover the costs of roads, drains or sewers is required in connection with such approval, such bond is posted with the city or town at the time of commencement of such development.

II. Development remains in full compliance with the public health regulations and ordinances specified in this section.

III. At the time of approval and recording, the plat conforms to the subdivision regulations and zoning ordinances then in effect at the site of such plat.

2 Powers of Housing Authority. Amend RSA 203:8, II (supp) as amended by striking out said paragraph and inserting in place thereof the following:

II. Within its area of operation: to prepare, carry out, acquire, lease, manage, maintain or operate housing projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any housing project or any part thereof. An authority may perform any of these listed functions singly or in combination with other functions with respect to any individual housing project, and may perform said functions full-time, part-time or in combination with other private persons, corporations or government agencies or other appropriate body.

3 Local Requirements Complied With. Amend RSA 149-E:3 by inserting after paragraph III the following new paragraph:

III-a. Any person submitting an application and plans for construction approval shall also certify in writing that he has complied with all local government requirements as relate to water supply and sewage disposal which must be complied with prior to application to the water supply and pollution control commission in those municipalities where regulations require prior local approval; and, at the same time, a copy of the certification shall be sent to the board of selectmen of the town or the city council of the city.

4 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. Robert B. Monier, Dist. 9; Alf. E. Jacobson, Dist. 7; Robert F. Preston, Dist. 23.

Conferees on the Part of the House: Reps. Richard D. Hanson, Merr. 5; Roger C. King, Rock. 1; Timothy K. O'Connor, Hills. 33; Ezra B. Mann, Graf. 6.

Sen. Monier moved to adopt the committee of conference report on HB 316.

Sen. BOSSIE: Mr. President I rise for the purpose of giving some legislative history for the record. I have no problem with the committee of conference report. I think it is most satisfactory. All it does is extend from a three year exemption to four exemption approved plats by a planning board. I want first to say that this bill when it is signed into law by the governor is prospective in nature and not retroactive. In other words it will take place sixty days after it passes its signature by the governor. So this will apply to any plat approved after the sixty day period and those plats that are approved now are in accordance with the present law which gives a three year exemption because the last law did not state it in 1975, became effective on July 20th. So this is a good thing to have in our legislative history. On the first part of it, it says every plat approved by the planning board and properly recorded it is our intention that properly recorded means that in the registry of deeds within a 60 day period. So if it would be outside that period it would not be properly done. Also the section of the bill with respect to vested rights it is my opinion and that of the senate that it should be interpreted to mean exactly what the supreme court by their numerous decisions, have meant it to mean. Including the cases of Piper vs. Meredith and Blewins vs. the City of Concord. Also there is a provision in there with respect to surety bonds to cover the cost of

roads and other aspects. That provision is not intended to extend the one year of substantial and active development but on the contrary is supplementary in nature and has no application at all to the one year period.

Adopted.

Committee of Conference Report on HB 457

The committee of conference to which was referred House Bill 457, An Act redefining the term "motor truck" in the motor vehicle laws, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sens. Poulsen, Dist. 2; Fennelly, Dist. 21; Lamontagne, Dist. 1.

Conferees on the Part of the House: Reps. Tavitian, Rock. 9; J. Murray, Belk. 5; A. Dion, Hills. 35; Erler, Rock. 8.

Sen. Poulsen moved to adopt the committee of conference report on HB 457.

Adopted.

Committee of Conference Report on HB 779

The committee of conference to which was referred House Bill No. 779, An Act relative to guardianship of residents of Laconia state school, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Guardianship. Amend RSA 171-A:10 (supp) as inserted by 1975, 242:1 by striking out said section and inserting in place thereof the following:

171-A:10 Residential Placement for Children and Incompetent Persons; Legal Counsel and Guardianship.

I. When a recommendation is made for placement at Laconia state school and training center or in any other residential setting which restricts in any way the liberty or informed decisions of a client, for a person under the age of 18 or for a person adjudicated incompetent by a probate court, such person shall have the right to representation by legal counsel. If a client's attorney objects to the residential placement, he shall request a hearing before the director whose decision shall supersede the initial placement recommendation by the fixed point of referral. The results of such hearing, the procedures for which shall be established under RSA 171-A:6, may be appealed to the supreme court under RSA 541. The client shall pay the costs of legal services rendered in connection with this section. If such client is unable to pay, the probate court located in the county where the client resides shall appoint a member of the New Hampshire Legal Assistance or its successor organization, or an attorney who shall be compensated for his services at the same rate as appointed counsel in a criminal case heard before the superior court.

II. Whenever a client over the age of 18 years is deemed not competent to manage his own affairs or property by an appropriately constituted interdisciplinary body,

and said client does not have a legal guardian, the administrator shall petition either the probate court in either the county or Belknap or the county of Merrimaack or the probate court in the resident's home county for the appointment of a guardian over said person. The administrator shall advise the appointment of the person's parents or guardian while the person was a minor as legal guardian in the petition unless said parents or guardian are incompetent, unable or unwilling to assume the responsibility, in which case the supervisor shall nominate another person as guardian who is able and willing to manage the affairs of the resident. The court costs, and any other such costs or fees that are incurred pursuant to any hearings on such a petition, or any reasonable cost incurred by the guardian appointed by said probate court, shall be borne by the resident.

2 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. Stephen Smith, Dist. 3; David Bradley, Dist. 5; Robert Bossie, Dist. 20.

Conferees on the Part of the House: Reps. Milton Cate, Merr. 14; Guy Granger, Hills. 13; Alfreda Smith, Rock. 5; Lea Aeschliman, Rock. 18.

Sen. Smith moved to adopt the committee of conference report on HB 779.

Adopted.

Committee of Conference Report on HB 756

The committee of conference to which was referred House Bill No. 756, An Act relative to acceptance of petitions by the planning board, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend RSA 36:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

36:8 Organization, Meetings and Rules. The planning board shall elect its chairman from the appointed or elected members and create and fill such other offices as it may deem necessary for its work. The term of chairman shall be one year, with eligibility for re-election. The planning board of a city shall hold at least one regular meeting in each month and the planning board of a town or village district shall hold at least one regular meeting every 3 months; provided, however, a town planning board shall meet at least 90 days before the town meeting date to accept petitions for zoning and building code changes. Following receipt of the petitions for zoning and building code changes, at least 90 days before town meeting, the planning board shall post the first hearing immediately and subsequent hearing pursuant to the procedure as specified in RSA 31:63-a. The planning board shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Vacancies. Amend the introductory paragraph to RSA 36:7 (supp) as amended by striking out same and inserting in place thereof the following:

Vacancies in the membership of a planning board occurring otherwise than through the expiration of a term shall be filled for the duration of the unexpired term, except if a vacancy occurs for an elected member pursuant

to paragraph IV, than that vacancy shall be filled by the selectmen until the next election, all other vacancies shall be filled by the:

3 Elected Planning Board Alternate; Appointment. Amend RSA 36:7-a (supp) as inserted by 1975, 100:2 by striking out said section and inserting in place thereof the following:

36:7-a Alternates; Term, Vacancies.

I. The planning board of each municipality may also include not more than 3 alternate members. Whenever a regular member shall be absent, the chairman shall designate an alternate, if an alternate is present, to act in the absent member's place. Any alternate member shall removable by the appointing authority upon written charges, and after public hearing in the same manner as provided in RSA 36:6. Vacancies among the alternates shall be filled for the unexpired term.

II. Any elected planning board may appoint 3 alternates.

4 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. Robert B. Monier, Dist. 9; Andrew W. Poulsen, Dist. 2; Robert F. Preston, Dist. 23.

Conferees on the Part of the House: Reps. Ezra B. Mann, Graf. 6; Richard D. Hanson, Merr. 5; John M. Bednar, Hills. 14; Roger C. King, Rock. 1.

Sen. Monier moved to adopt the committee of conference report on HB 756.

Adopted.

Committee of Conference Report on HB 850

The committee of conference to which was referred House Bill No. 850, An Act requiring each school district treasurer to pay out moneys belonging to the district upon orders of the duly empowered representatives of the

school board, having considered the same, report the committee is unable to reach agreement.

Conferees on the Part of the Senate: Sens. William E. Sanborn, Dist. 17; Stephen W. Smith, Dist. 3; Clesson J. Blaisdell, Dist. 10.

Conferees on the Part of the House: Reps. William Boucher, Rock. 3; Betty Jo Taffe, Graf. 5; Glyneta Thompson, Graf. 7; Peter Hildreth, Belk. 6.

Sen. Monier moved to adopt the committee of conference report on HB 850.

Adopted.

Sen. MONIER: I heard some comments from various Senators, what's that, what's that. I will remind the senate that 850 is the bill that Senator Sanborn and I and two or three other Senators amended to reduce the cost of public education by eliminating supervisory school unions which would have saved the state $\frac{1}{2}$ million approximately and the towns and municipalities about $4\frac{1}{2}$ to 5 million dollars. Once again this is one that the House refused to accede to and I might add that it follows the pattern of reduction of that nature. That is what it is.

Sen. BLAISDELL: There was also another amendment on this bill. As I remembered it, I signed the committee of conference report and I think that is the one that would attack some school up in Orford, some boy scout camp in Orford, that is one. And I think this bill had something to do with St. Paul's school in Concord. Even though this was a bill that would have affected the Keene school district and the Keene system, I refused to, I signed the report but I wouldn't agree.

Sen. MONIER: Senator Blaisdell if those amendments are on 850 and I do not have a copy of 850 and therefore I am asking that, they must have been put on by a committee of conference because they certainly weren't on the amendment offered in the Senate.

Sen. SMITH: HB 850 was a simple little bill Mr. Presi-

dent. What it did was allow a committee made up of school board members in those towns or cities where there were more than three school board members. To sign the checks rather than having nine signatures on the check. That is all the bill did. An amendment was added on relative to mandating that those kids who lived in non-taxable property such as charitable organizations or private schools could be exempt, that is where they would have to pay tuition to the schools. That is where the committee of conference fell apart. The committee of conference agreed on one thing, that was to disagree. not have these amendments in front of us. It is not 850 that was the bill that we sponsored with regard to supervisory unions, it was 805. I have no idea wht 850 had.

Committee of Conference Report on HB 1030

The committee of conference to which was referred House Bill 1030, An Act concerning neglected and delinquent children and persons in need of supervision, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by striking out sections 2, 4, 5 and 7 and renumbering sections 3, 6 and 8, to read as 2, 3 and 4 respectively.

Conferees on the Part of the Senate: Sens. Phyllis M. Keeney, Dist. 14; Alf E. Jacobson, Dist. 7; Eileen Foley, Dist. 24.

Conferees on the Part of the House: Reps. Edward C. Willey, Coos. 3; Esther R. Nighswander, Belk. 2; Michael

R. Cornelius, Graf. 13; Marion L. Copenhaver, Graf. 13.

Sen. Foley moved to adopt the committee of conference report on HB 1030.

Adopted.

Committee of Conference Report on HB 1128

The committee of conference to which was referred House Bill No. 1128, An Act relative to child support enforcement, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Effective Date. This act shall take effect July 1, 1977.

Conferees on the Part of the Senate: Sens. Alf E. Jacobson, Dist. 7; Phyllis M. Keeney, Dist. 14; Eileen Foley, Dist. 24.

Conferees on the Part of the House: Reps. Roma A. Spaulding, Sull. 4; Marion L. Copenhaver, Graf. 13; Helen Wilson, Rock. 2; Edward Willey, Coos. 3.

Sen. Jacobson moved to adopt the committee of conference report on HB 1128.

Adopted.

Committee of Conference Report on HB 1155

The committee of conference to which was referred

House Bill No. 1155, An Act relative to the conveyance of property acquired by a town or city at a tax sale, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate: Sens. Andrew W. Poulsen, Dist. 2; Robert B. Monier, Dist. 9; Robert F. Bossie, Dist. 20.

Conferees on the Part of the House: Reps. Richard D. Hanson, Merr. 5; John M. Bednar, Hills. 14; Beverly A. Gage, Rock. 5; Neil F. McIver, Graf. 11.

Sen. Poulsen moved to adopt the committee of conference report on HB 1155.

Adopted.

HOUSE MESSAGE HOUSE ADOPTS COMMITTEE OF CONFERENCE RECOMMENDATIONS

SB 26, authorizing state employee's participation in the present award program for selling sweepstakes tickets.

SB 335, relative to the establishment of a section of graphic services.

SB 366, establishing a 5 member oversight committee to recodify the election laws and making an appropriation therefor.

Sen. Rock spoke under Rule No. 44.

Sen. ROCK: That the house had stonewalled on an issue that I have heard complaints about in primary voting for more than two decades. The stonewalling of the house appears to be a well concerted and organized effort

to put the whims of one man on the whole state of New Hampshire. The house also stonewalled on a very important bill which there was a committee of conference assigned, that would have made major and necessary changes in the public utilities commission in the state of New Hampshire. The bill was SB 50 it was a result of a two year interim study that was a real study. There were public hearings held throughout the state, there were conferences with the public utilities commission, there were numerous conferences with the staff of the public utilities commission; there was expert testimony, there was assistance from the utilities legislative council consumer advocate, there was input from the general public, there were members appointed from the general public appointed by the governor, there were members appointed by the house, there were members appointed by the president of the senate to study the issue of reorganizing our PUC that hasn't been corrected or changed in over two decades. The senate voted for five members of the public utilities commission, it voted that they be full time, it voted that they have a code of ethics based on the judicial code, it made them responsible for the work that has to be done to protect the consumers of this state through the public utilities commission. By making it mandatory that the members of the commission be full time and not have outside interests, by making it mandatory that they observe a code of ethics, we could have corrected the difficulties. We raised the salaries of the commissioners, we gave them a general counsel that they said they needed, a lawyer in house, we added a consumer representative, we set up guidelines by which the governor would nominate lawyer, economists, a consumer, a person studied in finance, and after all this work the house of representatives amended the bill back to three which is what we have now. It takes more time to get a decision out of the public utilities commission in the state of New Hampshire in all but three of the other states of the United States. The committee of conference met numerous times and the members of the senate upheld the will of the senate. In a last ditch effort I was told by one of

the members of the house that they would be willing to consider the five members if we would only write in to the bill that no member of the present legislature could be a member of the council for four years. We were willing to buy that. We went down and negotiated that, it didn't work. They came back and they said, let us go for four, a compromise between three and five, and the members went down to listen to that compromise. At least some of the members of the senate were willing to agree to that. Who comes back and says no we won't compromise on four, the members of the house. This was a deliberate act of stonewalling to kill a bill. After that bill was killed yesterday afternoon effectively because there was no committee of conference report on it, I was told that the speaker of the house told the members not to go for that bill because somebody was going to use it for a platform to run for higher office next year. Well that is just so much poppycock. A study like that required and demanded that the members of the house be at least knowledgeable about what is happening. There were house members on that study committee and not like the president of the senate who put two members of the committee of conference on who were on the interim study, the house refused through George Roberts who knew anything about the public utilities commission or the private consumers of this state, on that committee of conference. The bill is dead and it is a shame. It is a shame that one man can have that awesome power. And Senator Monier referred to it the other day and I recall it to your attention. Stonewalling on these bills in the house is coming from one source. George Roberts is effectively trying to run both sides of the wall. Here is one Senator that is not going to let him do it.

FURTHER COMMITTEE OF CONFERENCE REPORTS

SB 335, relative to the establishment of a section of graphic services.

See House Journal. pg. 3047

Sen. Monier moved to adopt the committee of conference report on **SB 335**.

Adopted.

SB 26, authorizing state employee's participation in the present incentive award program for selling sweepstakes tickets.

See House Journal. pg. 3047

Sen. Keeney moved to adopt the committee of conference report on **SB 26**.

Adopted.

SB 366, establishing a 5 member oversight committee to recodify the election laws and making an appropriation therefor.

See House Journal. pg. 3049

Sen. Jacobson moved to adopt the committee of conference report on **SB 366**..

Sen. JACOBSON: Mr. President, I consider SB 366 as one of the most important pieces of legislation to pass through this year. It relates to the codification of all the election laws which has long been overdue. It originally passed with a five member committee. What the committee of conference did was simply to adopt two more people an appointee by the president of the senate and an appointee by the speaker of the house. So that there could also be legislative input. I urge the adoption of the committee of conference report.

Adopted.

Committee of Conference Report on HB 228

The committee of conference to which was referred House Bill No. 228, An Act imposing an additional one

cent tax on motor fuel and fuel other than motor fuel, and dedicating 95 percent of the revenue to towns and cities, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out sections 1 through 3 and inserting in place thereof the following:

1 New Section. Amend RSA 265 by inserting after section 4 the following new section:

265:4-a Supplemental Road Toll. In addition to the 9 cents per gallon of motor vehicle road tolls now imposed pursuant to the provisions of RSA 265:4, a supplemental road toll of one cent per gallon is hereby imposed for the purpose of this chapter. Said supplemental road toll shall be collected on and after August 1, 1977.

2 Additional Toll; Fuel Other Than Motor Fuel. Amend RSA 265:22 by inserting after paragraph I the following new paragraph:

I-a. In addition to the 9 cents per gallon road toll now imposed pursuant to the provisions of paragraph I, a supplemental road toll of one cent per gallon is hereby imposed for the purpose of this chapter. Said supplemental road toll shall be collected on and after August 1, 1977.

3 Subsidy. Amend RSA 241 by inserting after section 14 the following new section:

241:14-a Additional Highway Subsidy. In addition to the subsidy provided in RSA 241:14, the commissioner shall apportion 60 percent of the supplementary road toll collected under RSA 265:4-a and RSA 265:22, I-a from August 1, 1977 to the cities, towns and unincorporated places beginning on January 1, 1978 as an additional highway subsidy. The additional amount shall be apportioned and paid in a manner consistent with and subject

to the same restrictions as the provisions of RSA 241:14, provided that the commissioner may modify the procedures, as required, to administer this section, and further provided that said payments shall not be offset against the share of the other towns and unincorporated places of the supplemental road toll imposed by RSA 265:4-a and RSA 265:22, I-a. These additional highway subsidy funds shall be used only for the purpose of construction or reconstruction of class IV and class V highways and shall be used to increase the highway appropriation of the municipality as of 1977. Under no condition shall dollars received under this section be used for the purpose of matching to obtain additional state funds for other forms of highway aid. Whenever any city, town or unincorporated place is unable to utilize the full amount of their apportionment in the manner herein provided for any given year, as made under this section, the unused balance shall not lapse but shall be added to the total available for distribution to all towns and cities, the following fiscal year.

Amend the bill by striking out sections 4, 8 and 9 and renumbering the original sections 5, 6 and 7 to read as 4, 5 and 6 respectively.

Amend the bill by inserting after section 6 the following:

7 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate: Sens. D. Alan Rock, Dist. 12; Stephen W. Smith, Dist. 3; Louis E. Bergeron, Dist. 6.

Conferees on the Part of the House: Reps. George D. Keller, Carr. 5; James V. Bibbo, Merr. 2; Mildred S. Ingram, Sull. 9; Alton Desnoyer, Sull. 4.

Sen. Rock moved to adopt the committee of conference

report on HB 228.

Adopted.

Committee of Conference Report on HB 1188

The committee of conference to which was referred House Bill 1188, An Act concerning membership of the ballot law commission, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 68:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

68:1 Organization. There shall be a ballot-law commission consisting of 3 members, one of whom shall be an attorney in good standing and licensed to practice in the state of New Hampshire. This member of the commission shall be appointed by the New Hampshire supreme court. The other 2 members shall be appointed by the governor with the advice and consent of the council, one from each of the 2 major political parties in the state based on votes cast for governor in the most recent biennial election. The terms of all commissioners shall be for 4 years, or until their successors are appointed and qualified, except that the first appointments shall be for terms of 2, 3 and 4 years, respectively. The supreme court nominee, who shall always be the chairman, shall be appointed in the first instance for a term of 2 years with the remaining 2 nominees appointed by the governor with the advice and consent of the council to be appointed initially for the terms of 3 and 4 years, respectively. Thereafter, one member shall be appointed at the expiration of each term to take office July first. Vacancies shall be filled in the

same manner for the unexpired term. The 2 commissioners appointed by the governor with the advice and consent of the council shall not be of the same political party. The secretary of state shall be the recording officer and clerk of the commission, but shall have no vote in its decisions.

Conferees on the Part of the Senate: Sens. Alf Jacobson, Dist. 7; Robert Monier, Dist. 9; Mary L. Hancock, Dist. 15.

Conferees on the Part of the House: Reps. Raymond Conley, Carr. 3; Minnie Carswell, Hills. 13; Rita McAvoy, Graf. 1; Joseph MacDonald, Rock. 20.

Sen. Jacobson moved to adopt the committee of conference report on HB 1188.

Sen. JACOBSON: Mr. President this is the bill that reforms the ballot law commission. As the senate will remember, we went back to the method of the governor and council appointing two members. The next to the last sentence, in our amendment, apparently was not proper. So it came out differently than we had intended. The house nonconcurred so we could straighten out the next to the last sentence which has to do with the appointee from one party and an appointee from another party. And what this committee of conference report does is straighten out that sentence. It is clear that the governor shall appoint one from one party and the other from the other party.

Adopted.

Committee of Conference Report on HB 1144

The committee of conference to which was referred House Bill No. 1144, An Act relative to the establishment of workmen's compensation self-insurance programs, hav-

ing considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Termination of Workmen's Compensation Insurance. Amend RSA 281:11 (supp) as amended by striking out said section and inserting in place thereof the following:

281:11 Termination Notices. In all instances where an insurance carrier is to cease providing workmen's compensation insurance to an employer, whether by reason of cancellation or otherwise, it shall file a written termination notice with the labor commissioner and shall send a copy of the notice to the employer. Terminations shall take effect no sooner than the earliest of the following:

I. In case of termination for non-payment of premium, 30 days after the date the termination notice is filed;

II. In case of termination for reasons other than non-payment of premium, 45 days after the date the termination notice is filed;

III. In any case, the date on which new coverage has been obtained by the employer from another insurance carrier or the employer has qualified as a self-insurer under RSA 281:9, II.

3 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate: Sens. Louis E. Bergeron, Dist. 6; Andrew W. Poulsen, Dist. 2; Robert B. Monier, Dist. 9.

Conferees on the Part of the House: Reps. Patricia Skinner, Rock. 3-A; Margaret L. McGlynn, Hills. 21;

Kenneth H. Gould, Rock. 4; James A. Normand, Hills. 36.

Sen. Bergeron moved to adopt the committee of conference report on HB 1144.

Adopted.

Committee of Conference Report on HB 79

The committee of conference to which was referred House Bill 79, An Act relative to the location of cemeteries, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend RSA 289:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

289:2 Location. No cemetery shall be laid out within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor any enlargement of existing cemeteries within 50 feet, except when the land so laid out is at a greater distance from such other property than the original cemetery for the enlargement of which such lands shall be taken, and except that such enlargement may not be laid out within 50 feet of the right of way of all classifications of highways.

Conferees on the Part of the Senate: Sens. Andrew W. Poulsen, Dist. 2; Robert B. Monier, Dist. 9; Walter F. Healy, Dist. 16.

Conferees on the Part of the House: Reps. Raymond K. Conley, Carr. 3; Ruth L. Griffin, Rock. 19; Margaret M. Hartford, Rock. 17; Oliva Gamache, Merr. 7.

Sen. Poulsen moved to adopt the committee of conference report on HB 79.

Adopted.

Sen. Smith in the Chair.

HOUSE MESSAGE
HOUSE REQUESTS CONCURRENCE IN
AMENDMENT

HB 1124, relative to replacing the governor's committee on employment of the handicapped with the governor's commission for the handicapped (Recalled on June 20.)

Sen. Monier moved that the Senate concur with the amendment.

Sen. MONIER: On page 2 of the bill the wording before left out the approval of the commission in terms of appointing the memberships to it. Mr. Boucheau has been in speaking to me about it and I am aware of it, there is no objection, it is an agreed upon amendment. I would ask that the Senate concur with it so that the bill can go on its way.

Adopted.

See House Record. pg. 3046

Recess to the call of the Chair at 2:20 p.m. on June 20th, 1977.

Out of Recess.

Sen. Saggiotes in the chair.

ENROLLED BILLS REPORT

HB 142, limiting smoking in places of public assembly to designated areas.

HB 258, restricting the disposal of high level nuclear wastes in the state and within the coastal jurisdiction of the state.

HB 326, adopting the provisions of the uniform vehicle code pertaining to the operation of emergency vehicles.

HB 739, relative to control of explosives.

HB 828, creating the position of deputy commissioner of health and welfare.

HB 881, relative to the recovery of local assistance.

HB 1016, establishing procedures for the periodic termination, review and renewal of state agencies and programs.

HB 1044, relative to the public employee labor relations law.

HB 1060, legalizing certain action taken by the town meeting in the town of Durham and certain action taken by the school district meeting in the city of Lebanon.

HB 1104, changing the penalty for failure to file user of fuel reports with the road toll section.

HB 1137, relative to capital punishment.

HB 1149, relative to the preparation of a town budget under the municipal budget act and budgets for counties, school districts and village districts.

SB 157, relative to regulation of carnival-amusement equipment by the division of safety services.

SB 193, permitting public service as an alternative sentence for conviction of certain crimes.

SB 232, relative to voting lists in the city of Manchester.

SB 297, establishing a study committee to study a unified public school system for the state and prohibiting supervisory unions to do certain acts.

SB 299, authorizing the establishment of municipal development districts.

SB 53, relative to vanpooling.

SB 185, relative to penalties for violation of fish and

game offenses and repealing the taking of trout less than 6 inches in length.

SB 207, relative to foreclosure sales.

SB 229, revising the laws of corporations.

SB 251, relative to the housing finance agency.

HB 131, providing a different method of collecting penalties due the state for late certification filing of certain tax information.

HB 314, improving procedures of the medical board for supervising medical practice and stabilizing medical liability claims.

HB 386, relative to liens on vessels, boats, and vessel or boat motors.

HB 459, relative to septic tank information for property buyers.

HB 497, relative to the distribution of dog license fees and making an appropriation therefor.

HB 582, providing for additional state revenue.

HB 300, permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances.

HB 1045, relative to the display of wheelchair symbol to indicate buildings accessible to handicapped and elderly persons.

HB 1124, relative to replacing the governor's committee on employment of the handicapped with the governor's commission for the handicapped.

Sen. Lamontagne for the committee.

HOUSE MESSAGES HOUSE ADOPTS COMMITTEE OF CONFERENCE REPORTS

HB 676, relative to the burden of proof in hearings on pre-judgment attachment.

HB 741, establishing a study committee to determine financing methods and requirements for the decommissioning of nuclear power facilities.

HB 760, relative to the management of funds and authorizing the trustees of the New Hampshire retirement

system to delegate the power to make investment decisions.

HB 787, relative to mental health evaluations of minors before the juvenile court.

HB 856, relative to the inspection of used motor vehicles offered for sale by retail dealers.

HB 876, relative to prior service credit of group I members of the retirement system.

HB 1030, concerning neglected and delinquent children and persons in need of supervision.

HB 1128, relative to child support enforcement.

HB 1144, relative to the establishment of workmen's compensation self-insurance programs.

HB 1155, relative to the conveyance of property acquired by a town or city at a tax sale.

HB 601, providing cost of living increases for all members of the New Hampshire retirement system and relative to the state share of the normal contribution for non state employee members of the New Hampshire retirement system, the firemen's retirement system and the policemen's retirement system.

HB 228, imposing an additional one cent tax on motor fuel and fuel other than motor fuel, and dedicating 95 percent of the revenue to town and cities.

HB 96, increasing the appropriation for regional vocational education centers; and relative to transportation costs for new regional vocational centers.

HB 79, relative to the location of cemeteries.

HB 1184, relative to a temporary absence from residence and its effect on voting rights.

HB 1188, concerning membership of the ballot-law commission.

HB 419, specifying procedures for the sale and fitting of hearing aids and requiring the registration of hearing aid dealers.

HB 609, establishing public guardian officers and relative to professional guardians.

HOUSE REFUSES TO ADOPT COMMITTEE OF
CONFERENCE
REPORT

HB 481, An Act amending the charters of certain savings banks.

VETO MESSAGE

June 22, 1977

To the Honorable Members
of the General Court

I am returning herewith **SB 102** together with my objections noted pursuant to Part 2, Article 44, of the New Hampshire Constitution.

This bill is an example of what happens when the federal government establishes and funds a program within the state and then withdraws funds. I have no major objection to an adult tutorial program. What I do object to is the fact that this program has not been considered by the legislature as part of the general operating budget, like any other program. Its merits and priority should be considered in the context of the overall budget and not handled separately as in this instance.

Furthermore, judging by the wide scope of the language in this bill, I would predict that if this bill became law, appropriations would mushroom. It is starting with an appropriation of \$170,000 for the biennium which appears to me to be potentially the tip of an iceberg.

Sincerely,

/s/ Meldrim Thomson, Jr.

Meldrim Thomson, Jr.

Sen. Monier moved that the veto message on **SB 102** be laid on the table.

Adopted.

FURTHER VETO MESSAGE

June 22, 1977

To the Honorable Members
of the General Court

I am returning herewith **SB 113** together with my objections noted pursuant to Part 2, Article 44, of the New Hampshire Constitution.

This bill limits the Office Space Study Committee and its appropriation of \$50,000 to the preparation of a master plan for location of state facilities within the city of Concord, and it appears to exclude the location of state facilities anywhere else. To locate further state facilities within the city of Concord will take more property off the city's tax rolls, create further traffic congestion and will do nothing to improve the economy of this city.

I have no objection to studies and master plans for the location of state facilities, provided that it covers locations outside of Concord as well.

In addition, this bill is an intrusion into the executive branch of government. If the Legislature determines that a master plan should be prepared for the location of state facilities, such a determination should be carried out by the executive branch of government under direction from the Legislature.

Sincerely,

/s/ Meldrim Thomson, Jr.

Meldrim Thomson, Jr.

Sen. Hancock moved that the veto message on **SB 113** be laid on the table.

Adopted.

Recess.

Out of Recess.

SUSPENSION OF RULES

Sen. Downing moved that the rules of the Senate be so far suspended as to allow the introduction of a committee report on HB 1203 not previously advertised in the journal.

Adopted.

COMMITTEE REPORT

HB 1203, establishing a tax on carbonated beverages.

Without recommendation. Sen. Downing for the committee.

Sen. DOWNING: HB 1203 is the carbonated beverage tax. We are talking about a bill that could raise as much as 8 million dollars in revenue for us. The ways and means committee had a particular problem with this bill and that is why we are somewhat in a parliamentary dilemma right now. The bill is going to come on the floor without recommendation, it will be up to a member of the senate that it ought to pass. Somewhere in there an amendment has to be put on it to clarify the collection process of the money. We can't do any of these things and in the event that it does pass the processes properly spelled out, but to first do this we have to first suspend the rules because we did not advertise the hearing in the journal. As you know we are on the same day, and we are doing everything on the same day so we couldn't give proper notice of the hearing even though in reality it was sufficient notice. We don't have the report, we don't have the journal to put the report in so we needed to suspend the rules on those two measures before we can adjust ourselves to the committee report.

Sen. LAMONTAGNE: Senator I have a neighbor here who uses snuff. Do you suppose that we could tax snuff along with that?

Sen. DOWNING: If he were my neighbor I might consider it.

Sen. Downing moved that the words "ought to pass with amendment" be substituted for the words "without recommendation."

Recess.

Out of Recess.

Motion of substituting the committee report, adopted.

Sen. Bergeron moved the previous question.

Adopted.

Floor Amendment to HB 1203

Amend RSA 78-D:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

78-D:2 Carbonated Beverage Tax. A tax is hereby imposed upon the wholesale distribution of carbonated soft drinks at the uniform rate of \$.15 per gallon of liquid soft drink or \$.15 per quantity of syrup that, when mixed with recommended quantities of carbonated water and other additives, would produce a gallon of liquid soft drink. The tax shall be paid monthly by the wholesale dealer of carbonated soft drinks.

Amend RSA 78-D:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

78-D:5 Affixing of Tax Symbol or Code.

I. The payment of the taxes herein provided shall be evidence by the affixing or impressing of a symbol or code to be determined by the commissioner on the original container in which any bottled soft drink or syrup is placed, received, stored or handled. Such symbol or code

shall be affixed to or impressed on each container of syrup and to each bottled soft drink by the manufacturer or wholesale dealer prior to delivery to the retail dealer. This paragraph shall not apply to syrup used by bottlers in the manufacture of bottled soft drinks, or to bottled soft drinks or syrups which are transported through this state and which are not sold, delivered, used or stored herein, if transported in accordance with such rules and regulations as may be promulgated by the commissioner, or to any bottled drink or syrup which is manufactured in this state and sold to a purchaser outside this state.

II. Except as otherwise provided in this section, it shall be unlawful for any person to sell, use, handle or distribute any bottled soft drink or soft drink syrup to which the symbol or code required by this section is not affixed, and any person who violates this provision shall be guilty of a misdemeanor.

Amend RSA 78-D:9, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The commissioner shall collect the taxes and interest imposed under this chapter and penalties imposed under RSA 71-A and shall pay them to the state treasurer.

Amend RSA 78-D as inserted by section 1 of the bill by inserting after section 8 the following new section and renumbering the original sections 9-14 to read as 10, 11, 12, 13, 14 and 15 respectively.

78-D:9 Registration of Wholesalers.

I. To aid in the enforcement of this chapter, any wholesale dealer in bottled soft drinks or soft drink syrups taxed pursuant to RSA 78-D:2 doing business in this state shall register with the commissioner of revenue administration.

II. Forms for application for registration certificates and registration certificates shall be furnished by the commissioner. For each place of business of a wholesale dealer,

the commissioner shall issue a registration certificate which shall be conspicuously displayed at such place. No certificate shall be assignable, but it may be used by the legal representative of a registrant deceased, incompetent, bankrupt, or insolvent.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. The sum of \$109,000 is hereby appropriated to the department of revenue administration for fiscal year 1978 and a like sum is hereby appropriated to said department for fiscal year 1979 for the purposes of administration of section 1 of this act, including the rental or lease of additional office space. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. Section 1 of this act shall take effect September 1, 1977 and section 2 shall take effect July 1, 1977.

Sen. Bradley requested a roll call. Seconded by Sen. Fennelly.

The following senators voted yea: Poulsen, Smith, Gardner, Bradley, Jacobson, Blaisdell, Trowbridge, McLaughlin, Keeney, Hancock, Downing, Foley.

The following senators voted nay: Lamontagne, Bergeron, Monier, Rock, Healy, Sanborn, Provost, Brown, Bossie, Fennelly, Preston.

12 yeas 11 nays

Amendment adopted.

Sen. DOWNING: Mr. President just so that the bill is in proper perspective, I would move that we substitute the words ought to pass with amendment and the amendment is in possession of the Senate now. Mr. Presi-

dent, if this bill were to pass and it should pass in the form that it is in right now. I need to explain to the senate the situations with the ways and means committee so that there isn't any misinterpretation based on a parliamentary situation here. I had one of the most unusual situations that has existed in ways and means this session. When we tried to reach a decision on this bill there was a suggestion that we submit it to the senate without recommendation. This is with 5 or 6 members present and I requested that they take some positive action and that we have a formal motion within the committee. So there was a motion placed before the committee that this bill ought to pass. Didn't receive a second. There was another motion that this bill be reported inexpedient to legislate. That didn't receive a second. Then there was a motion to put it before you without recommendation. That necessitated the thing we just went through. We had a lot of testimony in support of the bill, the 8 million that it would have raised, the things that could be done with that 8 million dollars, the ease of the tax burden on the average consumer and we have a lot of other testimony with respect to the bill being discriminatory, that would put the carbonated beverages at an unfair position as against the noncarbonated beverages. We had a great deal of testimony about the cost of doing business and the burden that it would in fact impose upon the consumer and the unfair competitive advantage or position that our merchants would be in as against the border. There was a great deal of testimony of the edge that our merchants picked up when Vermont for example, adopted their bottle bill and there were estimates of 30, 35 and 40% increase in sale on our side of the border. And these sales have been sustained. It was felt that this would all be lost if we now equalized it in effect by putting a tax on this particular beverage. There was testimony that it was against children and there was excellent testimony as to how it was supportive of children. It has been a dilemma for the ways and means committee and that is why you have it before you. If you are going to pass the bill, it is very important that you pass it in the amended form. It

raises the money to administer the new act as well as clarifying how the tax will be collected. If you are going to support the measure support it with the amendment and personally I am opposed to the measure in its present form.

Sen. TROWBRIDGE: I would agree with Senator Downing that the issue is not the amendment. The issue is the bill hopefully as amended. I would hope that we would pass the amendment and then debate the issue of whether we pass the bill because the amendment does take care of the administrative part and it does take care of defining how they mark the tax. If it were to be passed that needs to be settled. The bill was defective in that order.

Sen. ROCK: Senator Downing I would like a clarification of your last remark. As you were concluding you said personally I am not in favor of the bill. Did you mean that you are not in favor of the amendment or you are not in favor of the bill or you are not in favor of the bill as amended?

Sen. DOWNING: I am not in favor of imposing that tax on carbonated beverages.

Sen. ROCK: Senator Trowbridge has just suggested that we would pass the amendment and then debate the issue. Are we moving the wheel, we moved to suspend the rules, we have the bill in now, and now we are moving the amendment and got it amended. Is the wheel beginning to turn on this amendment.

Sen. DOWNING: If this bill were to go on to second reading and open to further amendment, no other amendments being proposed unless the rules of the senate were further suspended, then the bill then may be referred to finance because it does have an appropriation in it. I tried to explain to you the dilemma that the ways and means committee was in with this. I thought as chairman I was obliged to advise you how I felt on a particular issue and I don't know what direction this is going to go in from here but the senate should just be as advised as I can make them.

Sen. ROCK: It is my understanding Senator that floor

amendments according to Senate rules would have the name of the proposer of the amendment as well as the title of the bill that amends. I know that there is no person listed according to Senate rules as to who proposed this floor amendment, could you tell us who brought this floor amendment?

Sen. DOWNING: Well I proposed this floor amendment and these amendments were suggested at the public hearing and I just ask you to understand the unusual situation senator that we find ourselves in. The committee wanted to come in without recommendation and yes, they wanted to be sure that the amendment was put before the senate and if the senate chose to pass this measure then they would do it in the amended form. But the committee was not of the mind that they wanted to recommend passage with amendment. They wanted it without recommendation. So it has been awkward for me because in one hand it appears one way and I feel another way and I am just trying to keep everything as on top of the table as I can.

Sen. McLAUGHLIN: Senator as chairman of the Ways and Means if this bill didn't pass at this time is there any bill that you have to come forward to generate more revenue for the state in the very near future?

Sen. DOWNING: At the present time we have no other bill Senator. The only other matter of significant revenue that I think the Senator would have an immediate opportunity to deal with would be the committee of conference report on HB 536. Other revenue measures generally would have to begin in the House.

Sen. McLAUGHLIN: What is HB 536?

Sen. DOWNING: That is the business profits tax bill.

Sen. McLAUGHLIN: Is that with the capital gains attachment to it?

Sen. DOWNING: There is a capital gains provision in the conference report as well as it includes if I may, it raises the present tax from 7 to 8%. It moves up which is something in excess of \$9 million of revenue, it will advance the filing date which is the additional \$5 million, these two are items that were passed by the Senate and the additional 8 million to come from a capital gains tax.

That is all in 536 which I am sure will be presented to us very shortly.

Sen. SAGGIOTES: What you are saying is that under that capital gains where it has been added by the house and agreed by the committee of conference, in what manner could we take the capital gains part off of that bill if we so desired to have the business profits tax moved up a quarter and also agree to have the business profits tax increase from 7 to 8%. Which way can we take off the capital gains part of that bill.

Sen. DOWNING: I think we would have to deal with that when we have the measure before us Senator. There will probably be ample time to discuss it and deal with that and decide what alternatives would be available to us.

Sen. SAGGIOTES: As chairman of the Ways and Means you couldn't give any thought to the answer at this time?

Sen. DOWNING: Yes but I don't know how far the President is going to permit me to go in discussing another bill. I would say that the only thing that could be done with a committee of conference report is accept, reject or discharge the committee and appoint a new committee with instructions to some extent that are developed during the debate on the matter.

Sen. MONIER: Let me just recap something. With this amendment as I understand it, you are saying that the basic bill without the amendment should not be passed. Is that correct?

Sen. DOWNING: Correct.

Sen. MONIER: Then if I was against the basic bill would it not be more sensible to defeat the amendment and then move to indefinitely postpone the bill rather than to bring it to a particular place where they could have additional floor amendments that we would be here all day?

Sen. DOWNING: That may be, except Senator if the Senate were going to move in that direction and if the sense of the Senate were known so that the proponents of the legislation could thoroughly air their views and posi-

tions relative to the need for this bill I think that would be important to do. I don't know what the Senate is going to do but I think it is important that they have as many sides of the story as they can have before they make a final decision. I am not sure that the proponents would be prepared to state their case at this time I think they would rather wait until the present motion is passed.

Sen. MONIER: If this is an integral part of the bill wouldn't it be possible for the opponents and proponents to discuss the bill if the amendment was part of it period?

Sen. DOWNING: I assume it would be possible particularly if it was in accord with the chair.

Sen. TROWBRIDGE: In line with Senator Monier's question there, I frankly, unless I am ruled out of order, I think I will speak as a proponent of the bill and how this all fits together here on the amendment, who cares when we get to it. We are going to have to get to it anyhow. On your desks you should have two documents. One is a thing dated 6/28/77 conference committee on HB 1000, operating budget as of today. The other one is a thing that says, package 1, package 2, package 3 and a few other things. Does everybody have that? Okay. We have seen and have been dealing with a great many things in the committee of conference that have a sort of balancing act. The governor's office has some, we have some and they are all over the place. I thought it would be most useful if we took there what the senate had done. That is the top of the item, \$419 million is the way that the senate version of the budget that came in which includes the pay raise. It includes the pay raise. Then you work down your lapses, general funds requirements and add it on, the legislative specials there are 7 million are all of the things that passed including the costs of living increases to the thing plus an in and out item on board and care at Laconia state school so you will see that as in and out, it only nets \$200,000. Those things are all passed and they are likely to be signed into law. There is nothing controversial up to that point. You see a deficit of \$55,922,000. Then all we put in after that are those things that have been done, that are noncontroversial. Either are

in law or going to be in law or whatever and they raised \$23,575,000. All of those items are known items. So at that point the balance in the committee of conference report, if we were to balance at the senate level with the pay raise in, we would need \$32,347,000 as of today, as of this hour. So there is nothing in there that we put in that is off and that is not passed, there you are. All right. On the other sheet you take a look at the package. Now package one is the committee of conference report on 536. The business profits tax is in at only 7.2 million because there is an extra pay back to the cities and towns in that report. We do not get the full amount of the business profits tax increase. We would have gotten 4.9 million, we are getting 7.2. The prepayment side of it is the same in all this, that is the moving up of the payment which Senator Downing has referred to. And capital gains is in there too for a package of \$22,200,000 million dollars. Alright, we need 32. You could say that that package doesn't do the job. If you added the 8 million of the soda pop to it you would have \$28,200,000 and then at that point some of the balancing items that we have at the bottom would be put into effect to bridge the gap. Package 2 is really not any one bill. It would mean that you would pass the carbonated beverage tax now, reject 536 in its present form and send it back so it came back with only business profits and the prepayment in it. Take the capital gains out which is another thing that has been discussed. Still and all that one only leaves you \$22,200,000, \$12 million off and presumably you are not going to add the capital gains to it because you have made the decision not to so that leaves you \$12 million out. Package 3 which has been discussed by the governor's office is that we reject 536, send it back with instructions to the committee of conference to come back with business profits in its full form at \$9,250,000. The prepayment again, and ask the head tax. That is the other package that I understand is being worked on. That comes to \$23,650,000. If you added to that \$23,650,000 the 8 million of carbonated beverage you would be at \$31 million and you would be in relative balance. It would

not be a problem to balance at that point. We have all sorts of things that you can do to balance off the million dollars. What I am trying to get across though, is that you can take package 1, package 2, package 3. You can't do the balancing act without the carbonated beverage bill. That is the essential part of the package. No way are you going to have the employee pay raise at 7% which is less than what the fact finder asked for, they asked for 11 and 12 in certain instances. There is no way that we are going to be able to balance this budget the way that we should. Now of course you can say you only have \$20 million and you are out 12 you are going to have to cut. The pay raise package is \$13,500,000. The easy way will be to cut the pay raise. I don't think that anyone really thinks that we shouldn't give the employees and the university employees a pay raise. I frankly don't think that that will fly in the committee of conference report. No pay raise. I don't find any sentiment for it anyway. So the only other way that you can do it is to start going out and say we will do what we call a triage routine. We cut out enough employees in order to take their salaries, use that to fund the pay raise, that is simpler, sounds easier than it is. We went through yesterday, why don't we just cut out those positions that are vacant. Everybody says, that is a normal thing to do. We have got a list of all the vacancies. They came to about \$5,000,000. You go through all the vacancies and you can see some that are vacant and should be filled and some that are just vacant and you can get along without. But the problem with that is that if you take out all the vacant positions, your lapse figure which is up here at \$10.5 million is calculating on those people being vacant. So you gain five million on your expense, you lose five million on your lapse and you are right back where you started. We then went through and said okay wouldn't it be logical if we could cut the budget in other areas and we went through and it was 3.8 million dollars worth of equipment authorized in the budget. Much of it should be authorized but we said of all things maybe we could do without equipment. So we tentatively adopted taking out 3.3 million of that and leav-

ing \$500,000 in reserve for those items that really have to be bought. Well that got you \$3.3 million but it hasn't got you 12. Then the other proposition is to say well we will just go back and take out the state employees. You go in and you find that the big agencies, a great many of the employees are in custodial care. One of the biggest resisters to this whole idea is Chick Tennis. How do I run a liquor store with two employees. It all sounds so easy to say that we will cut the state employees until you start doing it. You start saying by why not take out all temporary employees. Well the liquor stores run on temporary employees, the parks run on temporary employees, the highway department and the snow storms run on temporary employees. You name it, temporary employees are there for a purpose. If they didn't have a purpose they wouldn't be there. So what I am trying to say is that we can make cuts on everything else but I don't want you to misinterpret the figures here. I don't want you to vote against this tax saying well the kids and all that. 55% of that budget, 55% of that budget goes to kids. The biggest program that we have is aid to families with dependent children. If you don't have any children you don't get aid to families. The university is children on a higher level. 55% is going to kids. And our proposition on the soda pop tax has been that those who are well enough to walk down to the store and have enough money to buy the coke are going to be helping to pay for those who are not well enough to walk to the store or who are trying to get their higher education or whatever. All I can say is that this Senate has to be reminded that the House has gone out and tried to raise revenue. They have passed the \$23 million that we have here, they have passed these other packages in 436 for \$20,200,000, they have also passed the soda pop tax, so they have passed \$28 plus 23 million, they have passed a lot of revenue. the House has done its job. We have in our grasp the possibility of doing the right thing in this state. We cannot say that we don't have it possible. The only thing that will make it impossible is that the Senate will not rise to the occasion and say we need the revenue and we will

pass these bills. If we raise the soda pop tax, the carbonated beverage tax, that makes possible very easily for a lot of us, to support package 3 in addition to the soda pop, namely, that you send 536 back to the committee of conference, you ask the House to reconsider the head tax in place of the capital gains tax, that bill comes back again and you have lined up a workable program. But without the carbonated beverage tax you are not going to make it anyhow. I know there is a lot of lobbying on this but I don't want anything to think that it was not possible to fund the senate finance version of the budget because it is right there today in front of you.

Sen. ROCK: Thank you Senator Trowbridge for the very good explanation and I think you made it quite clear for the Senators as to what some of the possibilities are. If I could turn to your package sheet, you know I was one of the sponsors of the head tax measures. I signed it but it didn't pass the house. You have listed approximately \$3.3 million in equipment cuts that the committee of conference has looked at. Has the committee of conference reached any kind of an accord that they could live with those cuts?

Sen. TROWBRIDGE: I think we could.

Sen. ROCK: We have also heard a very strong version not only from members of the Senate who feel it would be the responsible thing to do but from the governor also, that if we are going to ask the people of the state to pay the head tax if we are going to ask the business community to pay the increase in the business profits tax, that we should also be willing to establish a slow growth pattern that would necessitate some kind of a cut in state spending. So package 3 which is \$23,650,000 without the soda pop tax, if we did adopt the proposed cut and you said it would be very difficult to do. But if we did that, and we did take the 3.3 million we also would be within very close shooting distance within 1 million of the 32 million. Is that not true and we have done it without the soda tax.

Sen. TROWBRIDGE: Yes. But the problem is that you are counting in the head tax and I cannot count on the

head tax because the House has already rejected that overwhelmingly and I have just put down the packages, I didn't say they were viable, I just said these are the ones being discussed. I think if we don't pass something here, some of the things that the house has passed twice, namely soda pop, I fear very much that package 3 will not ride in the House. So then at that point you are really out of balance.

Sen. ROCK: My concern with that line of thinking Senator Trowbridge is that while the house may have passed the soda pop act, we here in the senate have not had the opportunity to either consider the head tax revenue which several senators have co-sponsored, but we also have not had the opportunity to take a hard look at the cuts. I just wonder if we don't have an equal say in what some of these things are going to be, do we have to assume that the only bendable or pliable body is the Senate and the House is rigid?

Sen. TROWBRIDGE: I would say that the House is pretty bendable. You refused the soda pop tax and sent it back and they took off the wine, part of it Sunday liquor store, and came back with soda pop again. I think they have been rather right angled degree on that one. I am wondering how far they are going to bend further.

Sen. ROCK: Where was there elasticity or their bendability on the head tax?

Sen. TROWBRIDGE: They refused the head tax, they didn't even pass a \$5 head tax. They have their right to reject. I am not saying that you don't have a right to knock down soda pop. You do. All I am saying is that I am trying to get the ramifications clearly in front of this senate and I am not sure at all that I can get the 7 million of cuts through the conference committee.

Sen. ROCK: What is the status in the House of representatives of the head tax. Where does it lie at this point. I understand that it has not been indefinitely postponed?

Sen. TROWBRIDGE: It is inexpedient to legislate.

Sen. ROCK: There is a possibility that it could be considered further by the House.

Sen. TROWBRIDGE: No question. But if it were not

passed then you would be in the position of losing that 9.4 of revenue and your cuts alone will not do that.

Sen. BRADLEY: Senator Trowbridge, what do we know of the governor's position.

Sen. TROWBRIDGE: I talked to the Governor yesterday and the Governor doesn't like any of these things. One of the things that is going to be a difficulty in the house and with me too, is that I don't think the Governor as yet, as bitten the bullet on anything. He has complained about the business profits tax, he has said he would veto the capital gains tax and he hasn't said he would veto the soda pop tax but he has made it clear that he would just as soon not. Maybe he has got some people who are putting pressure on him who are big bottlers and all of that but I don't find a big public upsurge against the soda pop tax. I don't think he does either. He is sitting there saying that he wants his way and I have not taken that position but I do know that all the way along that part of these calculations is the fact that he has taken a position that he is not going to do anything. Except the head tax which has been rejected. Which makes it very difficult—you are in a three-way position. That is why in answer to Senator Rock, the simplistic idea of sending back package 3 and making the two cuts, I believe to be simplistic. If we don't get something through the here that the House agrees with I really fear in the House that you will have the availability of the head tax. If we do business profits tax, do soda pop, that we have a legitimate right to go back and say will you now reconsider your action. I am getting this from the House conferees. I am right there in the middle with the House conferees, the Governor and the Senate conferees. Senator Blaisdell or whoever else is on the conference committee can attest to that or not.

Sen. ROCK: I don't propose to speak for anybody except for the Senator from the twelfth district on the issue of taxation. I feel that there are some responsible things that we must do and the time for doing them is growing closely to a close. I think the first responsible thing that we must do is to consider a pay increase for state em-

ployees and the university employees. I think the Governor to an extent agrees with that. I think that we must also realize that one thing that is not acceptable to many people is to just turn our backs on this issue and keep hoping that it will go away, pass a continuing resolution and come back here next month. That is a very unacceptable position to me. I have reason to believe in answer to the question from the Senator from the fifth district, that there are areas that the Governor has been willing to say that he will make concessions and I again cannot speak for the Governor. But I do know that while at one point there was very little receptiveness to a proposed increase in the business profits tax, that the opposition to that does not seem as strong as it once was and I think it is even to the point where it could be stated it could be acceptable. I think somewhere between 7 and 8% is an acceptable level and perhaps at the upper limits of the 8% is an acceptable level. I think also that we must realize that in the soda tax a great percentage of the sales I am told, is somewhere between 30 and 50% are either over the counter or vending machine sales that are already taxed on the rooms and meals tax. What kind of a double taxation would that be I wouldn't even propose to guess but the ramifications are clearly there that you are taxing for rooms and meals now and you increase that tax, you may be killing the goose that laid the golden egg in that case. I think that the Sunday liquor sales issue based on a voluntary basis for employees of the liquor stores in 13 major stores, were only those employees who were willing to volunteer to work and some kind of a pay differential would be included and I understand from those who have that much more expertise in that area than I have, that could also be acceptable and you would still make the profit. There is one other area that is not either package a, b or c and that by the way is 2.4 million. I would like to see bending on both sides, some of this bending is very hard for some of us to do, especially the increase in the head tax. But it is a tax that is there, to me for the privilege of being in New Hampshire and to pay an extra \$10 rather than a 5%

across the board sales tax is a much easier way to go. I think that if you keep imposing the special sales taxes, which is what this one would be an additional soda pop sales tax and the proposed adoption of a luxury tax which is another sales tax, that we are going to be asked to come back here in another two years, wipe out all the little sales taxes and have one great big one. I think there is room for further consideration and compromise on the budget, I think that any consideration of these increases though, both the Senate and the House, has to be willing must be willing, to take a look at some cutting over and above the 3.3 million that would be in equipment and some of that has to be on the basis of giving department heads the authority to make reductions, to operate on a level of 94% of their operating budget now and to establish a review board that could take a look at those departments who would have hardships. I for one share the thoughts of Senator Downing that in any of its form, I have difficulty with the soda pop tax. I don't have difficulty with some of the other measures that I have mentioned and I think there is support for them also from other areas in the state house willing to realize that we have to do certain things now in the way of increases for salaries for state employees, that is the prime concern that I have here today.

Sen. MONIER: Senator, one part of which you were speaking about the residency tax increase, is it not correct that while that has been buffeted around that the truth of the matter is that if they had that tax or if that was one of our revenue increasing measures, that the towns and cities would also benefit from it simply because the state is collecting it and more people therefore would pay it.

Sen. ROCK: I believe with the state handling the collection of it in the way that I understand was proposed there would be a greater percentage of it collected than is presently collected and that that would benefit the cities and towns but I have no figures that I could give you specifically senator on that, no.

Sen. MONIER: Just so that everyone is aware, are we

not talking that in any pay raise for example, that 6% pay raise to the employees would run around 7 million?

Sen. ROCK: There have been several levels of pay raises talked about Senator Monier, the fact finders report to me contained an unacceptable number of increases, I could not support the level of the fact finders report. As a matter of fact I understand that the Senate has appointed its own review committee of the fact finders report and that committee of the senate is supposedly quite firm and it will not accept that level of funding. The level of 7% has been discussed and was indeed the level that we talked about in Senate Finance. A level of 6% which you discussed would be the figure that you mentioned as I understand, about 7 million dollars.

Sen. MONIER: As I understand it about 7 to 7½% would be around 9 million, am I correct?

Sen. ROCK: I don't have that sheet with me Senator I can't remember but yes, I think it is somewhere in that vicinity.

Sen. BRADLEY: Senator Rock I think in your remarks intended to say that you have a scheme or a package that balances this, is that correct?

Sen. ROCK: That's correct.

Sen. BRADLEY: Would you summarize how you close the gap whatever you pick, the \$32 million gap?

Sen. ROCK: If we take Senator Trowbridge's sheet dated 6/28, and I have no reason to quarrel with the mathematics I think it is made out quite clearly, as a matter of fact I can say that there is agreement on those figures. Somewhere in that area \$32, 33 million dollars is what we need. Whether we need all of the 7% increase is debatable for the employee's pay raise, could it be 6%. Whether soda pop is the only way is debatable. I propose and I have no bill to really tack it and I don't really know how I could move it at this time. I can't, I just suggest—that it would be acceptable from the Senator of the twelfth district if we as a business man, I have had no weak opposition to an increase in the business profits tax of one percent. I have had some opposition and it was quite strong to bump it 2% but the Senate I think

acted quite responsibly. The night that Senator Downing brought it in we amended it and passed a 1% business profits tax and there is no argument on the dollars, it is \$9.2 million dollars, 1% increase. There is no opposition from the business community on the bump. The problem with the bump, it is a one-time increase. You get it only once. The head tax perhaps there has been some opposition to it. In the community you guys are increasing our head tax again but to those people that you sit down and explain what a 5% sales tax would be versus the increase of \$10 on the head tax you soon whittle away their argument. I have said to the Governor and I have said to the Seante I will not buy an increase in the head tax if we don't also tax business on an increased level. I have said to the business community I won't buy an increase on your business profits tax unless we increase the tax on the head tax. I think that my plan would be a combination of package 3 and the balancing items 1 and 2. A cut in state expenditures and the 3.3 million dollar cut in equipment which Senator Trowbridge feels the committee of conference could accept that. Although he can't speak for them, we understand that. But the cut in equipment would be \$3 million and a 6% cut in state expenditures across the board with department heads making the decision and a review board established should there be problems in that area would give you very close to the 32 million dollars and that does not include the Sunday sales of 2.4 million and workmen's comp 1.3 million.

Sen. BRADLEY: Senator the idea of this cut in personnel which appears to be pretty essential to your package, to the tune of \$7 million or something, that is not a new notion, that was proposed by the Governor way back in January or February. The comment I heard at that time and have heard since is that, and I think Senator Trowbridge touched on it here today is that okay, you have to look at what that means in terms of people, positions functions and so on. In all this time since we have had this idea, does the legislature know the impact of taking that step, would be.

Sen. ROCK: Let me give you a few specifics on it if I

could. This is in answer to Senator Bradley's question, what are we talking about when we are talking about the reductions. First of all specifically, as defined in RSA 91, you would authorize and direct every department to reduce its general fund expenditures for the fiscal years ending 1978 and 1979 to the extent that they would maintain 94%. We are talking a 6% cut by the departments heads then setting standards based on the elimination of those functions that are least necessary for the department operation. The elimination or reduction of expenditures that are least necessary and the elimination of employee positions that are least necessary for their department operation. The elimination of employee's positions would be based upon but not limited to systematic consideration or relative efficiency, of type of appointment and the length of service. Such employee position shall include all employee positions whether permanent or otherwise or whether they are classified or unclassified. What you are saying to the department head is that here is a chance to reward the ones that are doing their job and here is a chance to make some cuts where really you don't really need those people. Now each department head would be required to propose for his own department to carry out the reduction and submit the proposals to a review commission within thirty days of the passage of this budget. And he would carry out the reductions as proposed or revised upon approval of the review committee. So it not just a helter skelter way to do it. We have some excellent department heads that would be required to submit their proposal, the review committee shall be the fiscal committee of the general court. So we are bringing the legislature back into it. This review committee would be the fiscal committee of this legislation and I think there you have your input back in to make sure that the state departments are going to run right. And it would have the powers necessary to carry out the intent of the provisions. I think that is the way it would go.

Sen. BRADLEY: That is not quite what I was trying to get at. You are talking about mechanics of how you would do it and what I would like to know and I would

have hoped that maybe the finance committee would have a feel for it by this time, what are the cuts going to mean in terms of results. What services are going to be curtailed or worsened or what kind of things are going to be eliminated and so on. I've represented a number of school districts and have served on school boards, been to a lot of school town district meetings and a very common approach to the frustrated taxpayer that I sympathize with is when he gets to the town meeting, is somebody votes to cut the budget by 5%, 10% across the board. Then the superintendent of schools or whoever gets up, says that if you do that it means that we will have to do this, this and this. This is what kind of what I want to know. I would like to be able to cut just like in my own town, cut that budget to 10%. There must be some way to do it. But I also, before I take that step, I want to know what I am giving up.

Sen. ROCK: I am sure from some people you hear, we are going to have to give up in the schools, athletics and the marching band and all those things that make the human cry. I don't think that is a responsible way to do it. I think that a good department head wouldn't do that either. We are going to have to face the people of the state and say we have raised your taxes, we have increased the level of financing which you have given to the state but at the same time we realize that bigger and bigger government isn't always better and better government. And the kind of government that governs best sometimes is the kind that governs least and it wouldn't bother me one bit if they cut out half of the state troopers between here and Nashua with their radar screens on a highway that was made to travel at 80 and the minute you are over 55 because the president says, we are going to save gasoline, you are in trouble. I think there are areas where they can cut. I know there are. And down in your heart Senator you know this also. But the minute you say it, they say Oh! the state hospital, we can't cut there etc. Let the department head decide. The review committee is there, it is the legislative fiscal committee that is going to be meeting, it will be here, you'll be here

in January, if it didn't work, it didn't work. But give it a chance to say can we cut the spending if we are going to do the other things.

Sen. BRADLEY: Wasn't there a request made of the governor's office to come in with a plan by positions or by functions by PAU's or whatever to make the cut. It has been five months or so that this idea has been around and it seems to me that in those five months somehow this legislature ought to have a feel for what we are talking about rather than saying refer it to . . . this is like refer it to a study committee?

Sen. ROCK: No not really. Nobody can tell the workings and tell a department head where they should cut. It doesn't say cut 6% of the personnel it says you cut 6% of the expenditures. And believe me when that hard decision has to be made the department head is going to try to keep his people working, he is going to cut out the other goodies. Now granted a great percentage of it is in payroll. Some payrolls granted, may have to go. But it doesn't say payroll, it says submit a plan, submit it within 30 days. Submit it to the fiscal committee and let us take a look at it. If everybody comes in in 30 days and says we can't do that, nobody is going to make them do it. Then maybe you are right and I am wrong.

Sen. BRADLEY: I guess what I am saying is why haven't we asked somebody to do that in the last five months so that we could be this morning, looking at it, the legislature as a whole, could be looking at what they are talking about?

Sen. ROCK: I guess for the same reason that we didn't have the soda pop tax five months ago, we didn't have the head tax five months ago, we didn't have the business profits tax five months ago. We always do it when it finally has to be done and today is the day that it has to be done.

Sen. MONIER: Senator Rock I have been listening patiently to all of this and I just want to ask you a question, aren't you really talking the same amount of monies, the same kind of a thing but entirely different on philosophy?

Sen. ROCK: Different than what.

Sen. MONIER: Between what we have heard before and what we have heard now.

Sen. ROCK: I think Senator Trowbridge and I agree that we do feel that a pay raise for state employees is essential. I believe, Mr. Barker and I might not agree that we could cut some expenditures in the various departments. I feel strongly on that, some people may feel otherwise. I feel that if you want to substitute a for b, I prefer an increase in the head tax to the soda pop tax. They are not equal but they are very close. I am a businessman and I move in the business community. I have heard no great opposition from business large and small for a moderate increase in the business profits tax. If they are not making a profit they are not going to pay the tax. If they pay the tax they are paying 50c dollars because uncle doesn't get half, we get that half. I have no strong feeling from any of my business friends that they would object to that. I did get strong vibes from both elderly people, farmers, from businessmen and working people against the capital gains because it wasn't worked out the way I would think you would have to do it. It says if you had a farm in your home for a hundred years and the farm was 100 acres, you sold the farm, you would have to pay a capital gains on all of it except where the house sat. That doesn't make any sense to me. So I have strong feelings against the capital gains. What I am saying is that there are a lot of senators here who feel very strongly that they would like to go home and say no increase in any taxes. But if we do that we are not really being responsible. So let us look at the ones that we can accept and I have tried to outline the ones that I could accept.

Sen. TROWBRIDGE: Senator Rock, as you know in following up with Senator Bradley's question, that in Senate Finance we asked the Governor's office to bring in a plan that would show that if they can do it in 30 days after July 1, why couldn't they have done it 30 days since we asked them on February 15th. Did you ever see a plan from the governor's office?

Sen. ROCK: No, and I don't propose to speak to the Governor Senator.

Sen. TROWBRIDGE: Not having heard in four months that plan which is now supposed to take place in 30 days, once we are gone, do you realize that department heads of the major departments are sitting over there in their committee of conference on the budget, all of whom are sitting there tearing their hair out every time we start talking about taking a 6% reduction. Are you aware of that?

Sen. ROCK: Yes I am.

Sen. TROWBRIDGE: Do you realize that someone like Arthur Drake and Dick Lacombe of the Welfare Division are estimating that if we did take that course of action in the welfare area, we could lose something in the neighborhood of \$222 million?

Sen. ROCK: I disagree with that.

Sen. TROWBRIDGE: Are you not aware that their budgets, and you go in and you talk about the loss of federal funds, that across the board cuts automatically lose a 1.50 of federal funds for every dollar you cut?

Sen. ROCK: If you say so.

Sen. TROWBRIDGE: Would you believe that the situation in public health, mental health, and all those things are all on the same basis so that the matching funds—if we do take 7 million we are really losing a great deal more? Are you aware of that?

Sen. ROCK: I think I would have to say Senator, if there is one area where I would take a close hard look as a department head, and I would hope that as you agree and you have before, that Arthur Drake is the kind of a person who can do that and hasn't had the time yet to do that, he just came on board, that that should be one of the areas that we should look at for a 6% cut. I think there have been indications not only before several committees and circulating for a long time, that that area does demand a close hard look.

Sen. TROWBRIDGE: There is no disagreement in taking a close, hard look, but what you are estimating your revenue on here 7 million is having it done in 30 days. If

it is not done you won't make the revenue estimate.

Sen. ROCK: I think you know as well as I do Senator that none of this is precluded of it all dropping to the floor in 30 days. But within 30 days of the passage, the report would have to be filed and from that point on, operating at 94% doesn't cut it. You operate for the year at 94% of what you were operating previously.

Sen. TROWBRIDGE: On Senate Finance you undoubtedly are aware that there are innumerable agencies including the University for whom there was no inflation increase granted at all so that if they go down 6%, they go down 6% below their 1975 authorization.

Sen. ROCK: I know that you are aware as well that we did talk about an increase for salaries for the University, there is still some disagreement as to what level that should be. I think that we also discussed that there might have to be if there were no increase in their operating budget an increase in tuition, and I don't think that is the big bone of contention here today. I think the bone of contention that I am trying to raise here Senator is you said there is one way to go and I am just trying to say that there might be another way to go.

Sen. TROWBRIDGE: And that one other way to go is one that was proposed February 15th for which there has been no documentation by anyone from February 15th to the 28th of June.

Sen. ROCK: Senator, I can't believe whether you are on the spending level of a small town, city, state or a federal agency that in today's world of padding and featherbedding and adding on, that there isn't room for cutting and I think that that is what the people of this state, and that is what the American people are looking for, is somebody willing to stand up and say hey, let's start looking for some cuts. Nobody wants to do that. I am for a pay raise. I want to see a substantial pay raise. I am for the 7% pay raise. Some people are for six, but I am also willing to say and in all of the responsible operations can we also not say what could we do without out. What do we really not need and until we are willing to do that then we haven't done our job, February 15th or June

28th, we haven't done our job if we aren't willing to say can we do some cutting.

Sen. TROWBRIDGE: But in Senate Finance we proposed cuts in the department of agriculture, we proposed cuts in the equipment budget of OHRV, automobiles, are you aware that those cuts, honest as they were, have brought nothing but storms of protest all around.

Sen. ROCK: Senator, Gus Gilmore has chased me all up and down the halls, corridors, Howard Townsend won't speak to me, Colonel Doyon never did like me, it doesn't bother me a bit. If we look at it a bit, I don't think that we hurt anybody. Little domains were shaken a little bit, there is room for more.

Sen. HANCOCK: I think what Senator Rock and Senator Trowbridge have had to tell us this morning are extremely important to the decisions that we are going to have to make. I feel very very strongly on the issue of the state employee pay raise. Contrary to the position of priority placed by others, as far as I am concerned, it is the number one priority in our budget. I think that we can all agree that there is no business as important as the business of the state of New Hampshire. I don't care if it is Digital, or the Rumford Press or Yankee or whatever. The business of the people is the most important business that exists. Without people to run that business, the welfare workers, the planners, the engineers, secretaries and so forth, we are not going to do our jobs very well. I think that the cuts that have been talked about are a little late as a discussion item. As has been pointed out there was a suggestion of the governor in mid-February that there be cuts. But neither he nor any legislative committee or any outside experts developed in any way this thing could be done logically. I think it is easy to say that you can work on 96% or 94% of your budget but how that really affects the operation, the interrelationship of state activities, the delivery of service, I think has to be examined in a rather precise and detailed manner. I think that to just say turn it over to the department head and say you do it. In situations where the Finance committee knows better than any of us the many of the de-

partments feel that they have been down to bare bones and have been for some time. The state employees as I am sure you all know have not had a pay raise for a couple of years. At that time it was a \$5.00 raise and then from June 75 to June 77 I think most of us can agree that the cost of living is up 20%. So I would plead with the members of the Senate to keep in mind those sources of revenue which have been pointed out by Senator Trowbridge and Senator Rock and that we not let any escape because I think that any that we can logically support because I think that we are going to be not just breaking faith with the state employees but we are going to be breaking faith with the people of New Hampshire in the delivery of services if we fail to use this as our number one priority for funding.

Sen. Fennelly moved that HB 1203 be indefinitely postponed.

Sen. FENNELLY: Thank you Mr. President. I have sat here for about an hour and a half and listened to the very hard working members of Senate Finance and the debate. Some of the things that I have been thinking about is pertaining to taxes, subject in February. I didn't hear of any increase to the business profits tax in February, I didn't hear the rooms and meals tax and I didn't hear about HB 616 to increase all the license fees in the state of New Hampshire or the capital gains. Now here we are in the last final days and we have probably a bill, that

taxes soda pop for the kiddies and so forth. It is very much like a nice, clean issue. Soda pop. It doesn't hurt anybody. So what we are trying to do here is not only single out one industry and I wouldn't care what the industry was, I would be against that. But if we are going to do something right, let us take on the conglomerate. Let us tax milk. Let us take on H. P. Hood. Let us tax the candy, the Hersey corporation. You want to raise \$20 million dollars? Let us put 10c per gallon on milk. No problem. A good idea on a clean issue pertaining to soda pop. But I am going to tell you right now, in the area throughout the state and it affects the economy, it is going to reverse itself. I don't think Senator Downing thought out to a degree what is going to happen in the border areas. In my area of Dover, in Portsmouth up in Hanover, Goffstown and Salem, is that people come into this state to buy liquor cheaper. Well it is going to go up about 65c a case. So if I am going to have a barbecue down in Salem and I have to order ten cases I am going to take a walk across the border right into Methuen and save myself \$7. And it is the same way over in the western part of the state. I am going to go into Brattleboro and buy ten to twelve cases. But basically this is the route to go in this moment that we rush to judgment, every time pertains to taxes. And now we have just about increased every tax but I think that this has gone to the extreme limit of taxation. And if we go with this we will tax everything so I urge the Senate to support my motion of indefinite postponement on HB 1203.

Sen. JACOBSON: I rise in opposition to the pending motion. I think that there has been a lot of talk about what parts of the budget are going to be cut. Some of us have reached the ridiculous proportion, I read an editorial in the Sunday news that the way to solve this problem is to cut out the forensic unit. As far as I know the forensic unit is not in the operating budget. It is in the capital budget so that kind of nonsense is going on. I think if we are going to have cutting of the budget and I am not necessarily opposed to cutting the budget. We ought to have very, very specific kinds of things that are going to

be cut out. And not range all over the countryside with respect to what is to be cut out. Without any kind of specifics. However, it seems to me that we need the money. Senator Fennelly says that we have picked out the soda pop as the place. I agree with him, we could have picked out milk. Or we could have picked out hamburgers. But that is the character of our New Hampshire tax system. We tax cigarettes and cigars. We tax beer, we tax interest and dividends but we don't tax normal income. We tax if you go out to eat a meal but you don't get taxed if you eat the meal at home. If you want to buy a large coke at McDonald's you have to pay a tax for your large coke. But if you buy at the grocery store then you don't have to pay the tax. I think we have reached, as a matter of fact in the whole taxing situation, a level that has become increasingly incongruous, it doesn't hold together. So that I have to accept the principle that apparently the House has accepted because it is the one that proposes the taxes and has over the last ten years that I have been there in this kind of patchwork organization. And as long as we deal in patchwork I don't see any real problem in adding one more patch. If we need the money. No one has documented to my knowledge and to my satisfaction that we do not need the money. I happen to be also and I am not afraid to say, for a capital gains tax. What capital gains does is it taxes windfall profits. This simply means a person has gained profits without fundamental economic effort. But apparently that may not go. So we have to have at least some kind of substitute. I think we ought to think very carefully, and further than New Hampshire tradition of the quilted tax system.

Sen. TROWBRIDGE: Senator Jacobson, in your remarks no one convinced you that the money is needed. And I was interested in that because I am not convinced either. Are you aware that in this whole budget discussion and something that was not brought up by Senator Rock or myself, that all of the people that have come before the committees of both House and Senate that we have inserted only 30 new positions into the budget whereas two

years ago it was something like 292 are you aware of that?

Sen. JACOBSON: I am aware in the general sense of it, my statement was directed to the fact that no one has said we can cut out 21 positions here, 7 positions here, 11 here, we can cut out stamps over here or we can cut out pencils over here. That is what I have not heard.

Sen. TROWBRIDGE: In the operations of Colby-Sawyer College in New London, have your budgets been able to go along with no increases whatsoever, at Colby-Sawyer?

Sen. JACOBSON: No, because those poor people who work there need to have enough on which to survive so that we have gotten some increases in pay although I will say that we have not gotten them in relationship to the progress of inflation.

Sen. TROWBRIDGE: If in running your department there if someone came in and said you have gotten what you got last year, now I want you to cut 6% below that level, would you be able to operate that department at that basis?

Sen. JACOBSON: I would have to say that that is a question that I cannot really answer because if you had to cut it 6% that would be what you had to do.

Sen. TROWBRIDGE: Would you be able to operate?

Sen. JACOBSON: We would not be able to operate at the same level that we had operated before.

Sen. BRADLEY: Senator Fennelly, do you have a package for closing the 32 million gap on Senator Trowbridge's list?

Sen. FENNELLY: Basically I am like Senator Jacobson. I support the capital gains tax, the business profits tax, of course I want that up to 9% and you still would be lacking, maybe 3 or 4 million dollars. Soda pop I am against. The answer is no I don't. But I would support those two measures.

Sen. BRADLEY: Does your package include cutting 6%?

Sen. FENNELLY: It doesn't include the cut of 6%. No.

Sen. BRADLEY: If we are unable to pass a 9% business profits tax and a capital gains tax, and whatever else is in your package, what do you propose we do?

Sen. FENNELLY: We run an unbalanced budget and you should write a brief and send it to the supreme court and see if we can.

Sen. BRADLEY: Senator I don't think it is a legal question that the supreme court can answer for us.

Sen. HEALY: I would like to ask the chairman if in this session we have not gotten back before the membership bills that have been placed in interim study have not been brought back before this body for consideration?

The CHAIR: To my knowledge I would have to be honest with you, I don't remember. I don't believe so.

Sen. HEALY: Mr. President I would like to speak under rule 44.

Sen. SMITH: Senator you gave a very eloquent speech on the problems of taxing the soda pop people and the hard time that it would bring to the state of New Hampshire. Several years ago we had a sharp increase in the price of sugar. At that time soda pop among other things, increased in price. Is that correct?

Sen. FENNELLY: That's correct.

Sen. SMITH: Since the price of sugar has gone down Senator, has soda pop gone down?

Sen. FENNELLY: Soda pop has not gone down but that is no fault of the distributor. The retailers do have to make some money on it. And the question as to why it hasn't gone down, it is the second largest profit to the grocers and any time that you sell tonic it requires refrigeration for which the price of energy has also gone up on. So basically it has evened out itself. There is no mass of windfall profits by the distributors or by the grocers. They have just maintained that same level.

Sen. LAMONTAGNE: Mr. President and members of the senate. I fully realize that we need funds in order to be able to give our state employees an increase in wages

but at the same time I personally feel that this soda pop tax is nothing else but an income tax and this income tax started way back when the rooms and meals tax was enacted into the law. Now this is an old gimmick of taking one item at a time in order to turn around and tax. This is a sales tax and then we will be taxing other merchandise throughout the store and the next thing to go will be all groceries. There will be no end. One thing that I think the Senators ought to do is stop and think about is that the one cent on the soda pop will cause some people to be paying double tax. I would have to agree with Senator Fennelly especially on the borders. You can save at least 6 or 7 dollars on a case. That is 65c per case and over 10 cases it would be 6 or 7 dollars. This is the reason why I feel this is a sales tax. I have always been in opposition to a sales tax. My people at home tell me that they don't want a sales tax. As long as they don't want a sales tax, I will vote against it.

Sen. BRADLEY: I rise in opposition to Senator Fennelly's motion to postpone. I don't think that this is all that bad a tax. I think and can envision fairer taxes but those are not available to us. I think we have to be realistic and deal with realities. For you to pass this I am afraid, means that we simply are not going to get a balanced budget. I would like to say a word about this cut. Senator Monier would like to have you believe that there is some great difference in philosophy here about managing government between himself and myself and perhaps others. I am not so sure that there is. I am not against a cut. I would be glad to run this state on as lean a budget as anyone can come up with. What troubles me about it, I am not on the Finance committee, I rely on Senator Trowbridge, Senator Rock and others on the Finance committee to come in with proposals to this body. I spend my time worrying about nitty gritty things in the

judicial area and otherwise. But what Senator Rock is proposing and this is not any proposal at all. It is proposing that we totally abdicate our responsibility as it seems to me in passing the budget, in being holders of the purse strings. It seems to me that what we are really saying is that we are going to let some bureaucrats with a few people on the fiscal committee, strike out lines on the budget, cut lines on the budget, without any kind of legislative review. I am not prepared to relinquish that kind of responsibility whether or not it is at the eleventh hour. As I understand the situation, the governor's office has been asked to come in with their proposal. They haven't done so. For that matter we have had this present administration in office for how many years? They have gone through three different proposals. If those kind of cuts are there to be made that we could live with, why haven't they been proposed before. Why don't we have the plan. If we have the plan maybe I would vote for it. I don't know but without a plan I am not about to vote for that kind of open ended cut and abdication of responsibility.

Sen. LAMONTAGNE: Senator, did you hear Senator Rock's proposal he made this morning?

Sen. BRADLEY: Yes I did.

Sen. LAMONTAGNE: Don't you feel that this could be a compromise and be able to raise the revenue that is necessary without the tax on soda pop?

Sen. BRADLEY: What Senator Rock proposed was simply the mechanism by which we would give up our responsibility to look at a budget and pass a budget. We are saying we can't pass a budget, we ought to turn it over to the bureaucrats to decide what lines are going to be cut. What programs are going to be affected. That's our responsibility. We're supposed to say what the level of services are supposed to be. What kind of services are to be available. That's our job. We are not supposed to give that to department heads.

Sen. LAMONTAGNE: Senator aren't some of us guilty of creating some of these problems in these departments

by putting on additional employees? This has been going on for many years.

Sen. BRADLEY: Well Senator if you are saying that the legislature has passed the budget in the past and authorized the present level of funding, obviously that is so.

Sen. LAMONTAGNE: And do you read that there have been jobs created also?

Sen. BRADLEY: I guess you are suggesting that we have done such a poor job that we ought to turn it over to the Executive department, and I don't agree with that.

Sen. TROWBRIDGE: Senator Bradley in your experience in both the House and the Senate have you ever seen the legislature put in a position easily and at random and sort of, oh well, let us put in some more positions?

Sen. BRADLEY: I have never seen that happen Senator.

Sen. TROWBRIDGE: Senator Bradley in your experience in the House and the Senate recognized that it has taken enormous effort on the part of many agencies to get one more clerk typist that has been denied three times in a row. Have you heard of that experience?

Sen. BRADLEY: Yes I think I have.

Sen. TROWBRIDGE: Senator Bradley, can you imagine if we take 957 jobs out of the 8,000 state employees that there will not be all sorts of ramifications that you will hear about within 20 seconds after we start?

Sen. BRADLEY: I am sure that there will be and that is what really bothers me. That we are just throwing up our hands and biting chaos for which we will not be around to deal with.

Sen. TROWBRIDGE: When you take a look at the budget, which I do all the time, and you go through and you say well, where could we cut, what kinds of things could you find that we could cut? Are you aware of the fact that every time we are doing that we have a list of maybe four or five requests from those very department heads who are now supposed to be the ones to cut this, who are asking for additional employees?

Sen. BRADLEY: I am aware of that.

Sen. BLAISDELL: Senator Trowbridge would you tell

the senate just the effect of the inflation on the budget? Just the amount of dollars.

Sen. TROWBRIDGE: If we were properly taking into effect the inflation factor, built in things, we go back to the 51 million dollars that I started with on February 10th. Just to run present programs with their regular inflationary increase, no state employee pay raises in that, was 51 million dollars. Now we have raised Senator Blaisdell, 23 million. If you add the 23 of the 32 you come out with 56 million dollars. If you will notice that on February 10th I was not far off in describing to this Senate that that is the level that they would have to raise in order to balance this budget.

Sen. BLAISDELL: When you got in your office this morning was there a stack of telephone calls that high for you on what we tried to do yesterday?

Sen. TROWBRIDGE: Yes. What we tried to do yesterday was to say that the business profits tax in the second year its rise would be more properly used by sending it to the school districts than sending it to the cities and towns cause the school districts are going to be the ones hit with the aid to education of the handicapped. That we have to beat that need and there is no way to do both.

Sen. BLAISDELL: The \$51,000 cut in the OHRV, we got a stack that high from the north country and they were telling us that they elect their Senators and Representatives and that if we cut that we will no longer be here.

Sen. TROWBRIDGE: Yes. We tried one cut.

Sen. Bossie moved the previous question.

Adopted.

Sen. Monier requested a roll call. Seconded by Sen. Fennelly.

The following Senators voted yea: Downing, Preston, Foley, Lamontagne, Gardner, Bergeron, Monier, Rock, Healy, Provost, Brown, Bossie, Fennelly.

The following Senators voted nay: Poulsen, Smith,

Bradley, Jacobson, Blaisdell, Trowbridge, McLaughlin, Keeney, Hancock, Sanborn.

13 yeas 10 nays

Motion to indefinitely postpone adopted.

Recess.

Out of Recess.

INTRODUCTION OF GUESTS

Sen. Healy spoke under rule No. 44.

Sen. HEALY: Thank you Mr. Chairman. This might be a soliloquy in frustration but I am only a freshman senator here and a lot has been said about the tax situation here today. Personally I disagree with some of the comments that were made, that there is no other avenue to raise money number one. Number two, in cutting departmental budgets and so forth, there may be some justification for that. I'll perhaps go along with some of that but there are many cases too, where cuts can be made and I don't know whether they have been personally exempted because of reasons that the Senators themselves would vote in this kind of legislation or not. I am not one that wants to bite the bullet. I think the people of my district who are hard working people, especially those in Manchester who work in factories and those who work on farms and others who are also hard working people from early morning until late at night. One thing that they don't want is more taxes and more taxation. I would like to point out a few things that have been omitted. Being an amateur up here and being as I said a freshman, I don't know all the answers. But I know one thing, that when they talk about reduction and taxes and so forth they don't mention the fact that the lawyers and the judges especially the judges which they voted in. Not me. Without paying one penny for it. Being a democracy, I am going to tell them like Senator Fennelly. Straight, to the point, honestly and I have the facts right here. We have a justice a beneficiary and we also have a

widow, neither one of whom ever paid a nickel into the State of New Hampshire and come the fiscal year of 1975, the authorization for the retirement fee for one justice, an associate justice of the superior court is \$25,467, for a widow who hasn't worn the black robe, her salary is going to be \$17,082. This adds up to a total of \$42,549. I have copies of same in the office. If anybody wants to see it just ask. It came from Ed Graham, retired benefits report from the legislative budget systems office. But no one yet has said to me or said in this senate, when are we going to stop this business of giving widows and children and justices, increases. I would like to ask you Mr. Chairman, how many people in the State of New Hampshire are earning from morning until night, \$25,476 a year. Never mind receiving gratis. There is a tipoff retirement fees. These salaries, these pensions have never been paid for and they are going to continue to grow as the salaries for the judges grow. This is automatic stuff. When are we going to stop this business and get down to common sense and tackle the problems instead of talking about how we can cut the average guy and the poor working man, when are we going to cut out some of this foolishness here and let them pay for their pension like everybody else does. That is number one. Number two, I brought in a casino bill that sounds bad. And I also brought in an amendment with it. SB 137. And if the bill is so bad and sounds so awful because the word casino is mentioned in it, we can change the name of that. I would like to have that bill brought back into the senate or at least sent to a joint committee where I can talk about it and explain it to them and we can call it the fruit machine business or anything at all. Call it cherries, apples or lemons or whatever title you'd like to call it. At least it would raise a lot of money. We are talking about avenues to come up and raise money. We voted in horses after a long battle in this state Senate and in the House. We voted in dogs after another long battle, and we voted in sweepstakes after many years of fighting, we even at this particular session right here now in progress, we voted in machine games, games of chance at the fairs, without even local option. This casino bill is listed right now and could be changed to a more special title and it could be brought in to this Senate and a whole lot of money could be raised to offset

a lot of these problems that we have. I don't know why we are all so worried about taxes and we want to battle taxes. Frankly, I don't want any more taxes. When I look at some of the things that are going on I say to myself it is about time that somebody does something. The bill we had here a little while ago goes into the towns where these fairs are being held and programs and so forth, it is not local option. They don't even have a chance to vote on it. I am 100% for it. If people want to gamble that is up to them. If I want to gamble I am going to gamble. In a way I feel like the Governor does on some things. I think that people should be entitled to do what they want providing they do it within the law and do it with their own conscience. And if I want to do a little gambling on the horses, on the dice, which I do and on the dogs which I do. And the dice are being rolled in Manchester right now. Every night of the week you can play crap if you want to. And there are many other games as well. Card games ad infinitum. Why we become so holier than thou when you mention the word casino. The bill prepared us for the take off. I spent a whole lot of nights on taking and preparing a bill on this casino bill. It is the Atlantic City measure, it is not Las Vegas. And they talk about sex being involved in that. If you want to bring in sex there are just as many people today who are not married that are living together that have nothing to do with casinos. What are we arguing about. I would like very much to hear my casino, or see my casino bill brought back, revised, changed and produce some money for the State of New Hampshire. It is local option so it is hard for me to comprehend why Senators and other legislators who are not going to be affected by it because their towns would not vote for it, definitely they will not vote for it, my town does want it. We do want it, why can't we have it? There are a number of clubs in Manchester, three already folded up on account of the meals tax. They can't pay any more meals tax than they can already I wish the Senators would go along also and think about some of these problems. I am not on a Finance committee, I am not on a joint committee. I don't know but I understand that labor, the SEA the state employees were put down at the bottom of the list instead of given a priority. Why I'll never know. Why cut anything when we have other choices to raise the revenue.

The cities want this, the clubs want it, and if the towns don't want it they don't have to vote it in. They can come into Manchester to play. That is one way of raising money. And not one time today did they mention it, casino was defeated. State owned, state operated, yes, I would vote against that myself. I don't think the state ought to have people around hotels and motels, running machines or watching dice games. But I would even compromise and go along with slot machines so that the clubs in Manchester could survive so that they could meet their meals and rooms tax. It was suggested that I suspend the rules and have this bill brought back. SB 137 so it could be worked over and an amendment could be brought in with a change of name on it so make it more specious for the people to look at and say, well, we have a nice flowery bill coming in. It talks about fruit or something. It may be a machine bill but it will be a good bill, it will raise money and it is not going to hurt the people tax-wise. Another thing that I heard about this soda pop bill. I would ask Senator Bradley where it already has a tax on it if that isn't double jeopardy in legal fraternity where you have one bill and execute one case and then you come in with another case on top of that. That is double jeopardy. If you bring in another tax on the people on soda pop that is nothing but double jeopardy in my book. And there is no way that you can tell me that it isn't. If they are taxed once why tax them a second time. If a kid walks up to the Puritan in Manchester and wants a drink of soda he has to pay another tax on something he is already paying tax on. The parents have to pay for this. The parents are people who work in the shoe factories and other factories in Manchester. They enjoy their kids. They want to see their kids have an ice cream cone with the others and a glass of tonic. I am all for bringing in the slot machine bill and let the people consider it. Chairman Marshall French and the rest of them ought to take into consideration that there other people in this legislature and not only a few that are running everything and that is the joint committee and I disagree with the joint committee on a lot of things. Thank you very much.

COMMITTEE OF CONFERENCE REPORT

HB 536, relating to the business profits tax rate, deductions and method of distribution.

Sen. Keeney moved to adopt the committee of conference report on HB 536.

Sen. KEENEY: Mr. President, probably no committee of conference report has had as much previous debate both here and in the press as this one has. HB 536 had three distinct versions as a bill going through the house and the senate and coming to a conference committee. And it has had at least three distinct versions in a committee of conference report. Such that if you had been aware of the other reports I hope you will put them out of your mind and concentrate on the copy which was distributed to you just a few short minutes ago. This is the one that we had prepared and just signed prior to 4:00 p.m. on Friday and unfortunately you felt that you could no longer wait for it. It has not had three distinct printed versions as a conference report through any strong disagreements on the part of the conference committee. I mentioned this because it came to my attention on Friday prior to the recess that this committee of conference was already perhaps suffering from lack of, that there was already a decision to nonconcur with whatever report we

brought out and set up a new committee of conference. However, 536 as it now stands, would increase the business profits tax one percent, this is the same way that it passed both the house and the senate, it does add in a $\frac{3}{4}$ of a percent increase in interest and dividends and a capital gains clause has been built into that statute. The capital gains which seems to be of greater interest to many, either because they don't want it or they fear it, is more or less a piggyback on what one would have to pay on a federal tax according to schedule b line 14. It would not include one's residence it would not include the land surrounding one's residence if those are your fears. I think it did become part of this bill due to the pressures of another bill which was entered in the house and familiarly referred to as a land tax. However, to the best of my knowledge and to that of the committee there would be only four other states with which we wouldn't have a reciprocal agreement regarding the capital gains clause in the conference report of HB 536. Also, included is a catch back phrase that if capital gains came to the attention of the state at a later date they could catch back what they might have missed once this law goes into effect. There is one section which you might at first glance question and that is a repeal provision and I think the actual repeal statement is on page 8, never fear that is repealed in two sections which we have added to the law this current session and which does appear on page 4 of the committee of conference report. So actually nothing is being lost by that repeal section. I would try to answer any questions that you might have and I am sure that other members of the conference committee would do likewise.

Sen. MONIER: Senator just so I can follow what you said, it is very difficult to hear you over here with the fans going on. The business profits portion of the bill which usually is not with us because I think it was in the original bill. You said there were three versions of that. Now when you say that it increases it one percent are you saying it increases it to 8%?

Sen. KEENEY: Yes.

Sen. MONIER: On the capital gains proportion here which I assume is what this is primarily about you are talking about a $\frac{3}{4}\%$ increase is the way that I understood you?

Sen. KEENEY: That is on the interest and dividends law going from $4\frac{1}{4}$ to 5.

Sen. MONIER: So this is the bill that we have already passed on the interest and dividends, am I correct?

Sen. KEENEY: I don't recall whether we changed that or not in this session. It is being amended here.

Sen. MONIER: Is it this particular amendment of capital gains which of course is intricately involved with the interest and dividends tax that is supposed to bring in what we had from Senator Trowbridge on package one is capital gains of 8 million? Is that the one that we are dealing with?

Sen. KEENEY: The 8 million is the total capital gains increase.

Sen. MONIER: As expressed in this amendment?

Sen. KEENEY: Yes.

Sen. MONIER: You said that there were three distinct versions in the committee of conference. Can you elucidate on that a little bit as to what you mean by three distinct versions? Was it percentage-wise or was it whether we had a capital gains versus some other tax or what?

Sen. KEENEY: As I recall the first version did not include a capital gains as such. The second version included the capital gains, tried to work it into the business profits tax session of the law itself. If that appeared to be unworkable due to questions that committee members themselves raised. And this third version brings the capital gains section into the interest and dividends part of the law.

Sen. MONIER: You said the first version of no capital gains. Was there some other form presented or were we just dealing with the business profits?

Sen. KEENEY: I have the three versions here. I may be wrong, it may have had. I know one version tried to put it into the business profits section and in order to do that we would have had to lower the exemption for those

paying the business profit in order to have the same exemptions for both groups. And that seemed wrong to the committee. So we did change it into the interest and dividends section.

Sen. MONIER: What you really have is that a committee of conference on HB 536 which was the business profits tax, am I correct?

Sen. KEENEY: Right.

Sen. MONIER: Can you tell me where the impetus came for the capital gains tax? I haven't seen the bill in here or anywhere before. Did it come from the House conferees, did it come from the Senate?

Sen. KEENEY: We have to say that it came by way of a house bill or proposal. There was a separate bill entered for a capital gains. I believe that lies on the table in the House the last I heard. There was also a bill presented through the house for gains on the sale of land and that probably had the most effect on including individuals selling land under the conference report that we have here.

Sen. MONIER: Now that I have that history, the thing that I would like to ask you is that you made in your discussion, indicating that there was some misunderstandings, one of which was that a house and the land surrounding it was exempt, is there any specific limitation to that? Or does that mean the house and a portion of the land. Does it mean what someone decides would be non-capital gains tax. Or does it mean the parcel itself if it is a residential parcel and may include 50 acres of land that I have one residence, on is the whole fifty acres exempt?

Sen. KEENEY: The understanding of the committee from the advice that we received from the department of revenue administration was that if we have a capital gains which is based on somebody's line 14 on their federal D schedule, their residential property, their principle, and we went around on that word, their principle residence of property and as excluded in this could not be taxed for capital gains and that would include the land around it. If that is all one portion. The question was raised by the committee as to whether or not we could separate the

land and the residence or a small portion surrounding the residence. We were advised no, we could not.

Sen. MONIER: Is it instead that we are depending upon the federal government rules under the IRS which of course allows certain kinds of things for reinvestment which may or may not apply to the plot or the size of the land?

Sen. KEENEY: The most precise answer is page 3 beginning at the top. At the end of that first line, excluding the taxpayers principle place of abode on schedule D or equivalent schedule of the individual's United States income tax return.

Sen. MONIER: I understand that. So we are then using the IRS definitions of this?

Sen. KEENEY: Yes.

Sen. MONIER: What happens then, or was there any discussion about it, if under that IRS definition I make a place of home and a large plot of land and I sell it and I buy somewhere else within the specified time indicated by the IRS so that I am not under schedule D of capital gains, I am not taxed for it, what happens if that is somewhere outside, does the state gain any revenue from this?

Sen. KEENEY: This I did refer to a catch-back phrase further down on page 3 next to the last line where if the state would have had the right to tax you and you did move away, they would still retain the right to gain back that amount of money.

Sen. MONIER: So if I was to sell a piece of property that under my schedule D I paid no capital gains within a period of time until I reinvested it. And I reinvested it somewhere else I would then be allowed in the state of New Hampshire for that portion of it also?

Sen. KEENEY: We didn't go that far. I can't answer what the course would be for the state of New Hampshire at that point. But if there are only four other states that it wouldn't be taxed in. The chances are that we wouldn't have the right to recuperate that amount.

Sen. MONIER: Thank you.

Sen. BRADLEY: I rise in support of the committee of

conference report. I think is a tolerable, acceptable kind of tax. Passing this will increase the business profits tax to 8% and will adopt a new tax, a capital gains tax at the rate of 8%. Very important to keep in mind that that is not a net of 8% to our citizens. These taxes are deductible for federal income tax purposes so that in fact if you are a 50% taxpayer which is typical in the business profits tax area, you are really only paying an additional 4% by reason of these taxes. If your tax rate is different you will have to recycle it. But that is very important point. I want to see if I can cover this sale of the residence and perhaps clarify that situation. Basically this capital gains tax is a so-called piggy back tax meaning that the state of New Hampshire is going to rely on the federal income tax return to get the primary numbers to apply the tax to. That is simply going to take it right off your schedule D, last year's return, schedule D, line 14, which is the net of your gains, long and short and you are going to pay 8% of that figure except you are not going to pay on any part of that figure if it involves the sale of your principle residence, or principle place of abode. Usually for federal income tax purposes the sale of your principle abode is not going to be in schedule D anyway. Usually that is the thing as Senator Monier was talking about. If you reinvest the proceeds from the sale of your primary residence and another residence within 18 months, you don't have to pay that capital gains tax for federal income tax purposes and therefore you are not going to pay it for state purposes. The state of New Hampshire is going to follow the federal definition as to what your principle place of abode is. To the extent that you would be granted, technically it is a deferral of gain, to the extent the deferral of gain for federal incomes tax purposes you will be exempt from the capital gains tax in New Hampshire. I hope I made that clear. I will be glad to talk about examples if anyone has any questions.

Sen. BERGERON: Senator Bradley, is there any danger of a double taxation in the case of selling a commercial piece of property in relation to the business profits tax and this capital gains tax?

Sen. BRADLEY: No. If you, the capital gains or business entities right now, are taxed as part of the business profits tax, that is going to stay the same except that the rate is going to go from 7 to 8%. The capital gains tax that we are talking about here does not apply to business enterprises. Only to the individuals and is going to be payable by the same people that pay interest and dividends and that is why the tax is going to be included in the interest and dividends statute and is going to be administered as part of the interest and dividends tax law. But there is not. If you pass this capital gains you are saying individuals are going to pay the same capital gains tax that business enterprises are already paying.

Sen. BERGERON: I haven't heard the term capital gains applied to business profits tax but that in effect is what you are saying. They are already paying capital gains tax?

Sen. BRADLEY: Yes because the present business profits tax includes capital gains tax from your schedule D if you are that kind of a taxpayer or whatever kind of taxpayer you are. The present business profits tax already includes capital gains or business entities.

Sen. BOSSIE: How does your tax year differentiate between short term and long term gains? Does it?

Sen. BRADLEY: No. No difference at all. It doesn't matter for the state capital gains tax whether it is long or short. You are just going to take the net figure, I believe I said it was line 14, which is your net gains whether they are long or short and you are going to pay 8% of that figure.

Sen. BOSSIE: But isn't it true that if it is short term capital gain which I understand now is 9 months or less, it would be treated as ordinary income for tax purposes? So that what we would be doing is if you owned property for less than 9 months it would be an income tax?

Sen. BRADLEY: No. If you have a short-term capital gain for your federal income tax purposes, you pay an ordinary rate but the state of New Hampshire is simply going to tax you 8% whether it is long or short. Doesn't matter what kind of capital gains it is. If it is a capital

gains and appears on that Schedule D, the net of those is going to be taxable at 8%.

Sen. BOSSIE: Was your prior statement that the taxpayer in New Hampshire that files a schedule D and who does in fact make a capital gains that he in fact will not pay any more taxes because he will just be deducting the amount that one would ordinarily pay the federal government?

Sen. BRADLEY: No, what I meant to say there is that he will actually only pay 4% more assuming he is in the 50% bracket taxpayer. He is only going to pay in total taxes 4% more rather than the 8% more because he is going to be able to deduct the 8% that he pays to the state of New Hampshire on his federal income tax.

Sen. BOSSIE: And what if he were in the average taxpayer's percentage which would be 21 to 25%? What would that cost him in percentages?

Sen. BRADLEY: Okay, let us say 25% is really going to cost him 6% rather than 8%.

Sen. BOSSIE: You provide for capital gains but how about capital losses. If I had a capital loss in a year could I deduct it this year or any future year's tax.

Sen. BRADLEY: No, the losses don't do you any good as far as the capital gains tax is concerned. There is no carry forward provision and you can't use that loss to offset say interest and dividends. This is individual now, under this new capital gains tax. The loss is just like a zero.

Sen. BOSSIE: Why should that be if you are basing the tax on the amount on line 14 of schedule D? Why should you not be able to take advantage of losses as well as gains?

Sen. BRADLEY: Actually, that didn't get debated very much it was a question I asked of the people who were going to administer this. I think the basic answer to that is that the attempt here is to try to raise revenue and we weren't looking at ways to reduce the amount, we were looking for ways to increase the amount raised.

Sen. BOSSIE: Would it be fair to say that you weren't looking to be equitable about that tax, you just wanted to

raise the money and you didn't care where it came from?

Sen. BRADLEY: I don't think that is a fair conclusion. The person who has a capital loss is not going to pay any tax to the state of New Hampshire and is going to be able to use that capital loss depending on the nature of it, for federal income tax purposes anyway. So it is not as if we are depriving anyone. I don't have any problem with the equity of it.

Sen. PRESTON: Not to prolong this Senator Bradley, but if I purchased one of Senator Bossie's \$100,000 estates and he wanted 29% down, would that come under the same regulations as the feds, the paying of the tax?

Sen. BRADLEY: You would pay the tax on an installment sale at the same rate and to the same extent that you do for federal purposes so that if you got deferred capital gains treatment spread out over three years let us say on your schedule D, you would pay the New Hampshire tax at the same time you pay the federal tax. So you would be, that is the piggy back aspect of it. You would be given the same deferral treatment that you were given for federal tax purposes.

Sen. LAMONTAGNE: Senator what about stumage lumber that is going to be sold, how is that going to be taxed?

Sen. BRADLEY: If you sold a woodlot for example, the stumpage on a woodlot, if that resulted in a capital gains for federal income tax purposes it would be taxed here as well. I don't know whether or not stumpage is typically—capital gains or ordinary income. I guess that depends on how often you sell it or whether you are a dealer and that sort of thing. I would guess that most people selling stumage pay ordinary income tax on it for federal purposes and therefore they wouldn't be affected by this tax. Assuming as I do that selling stumpage results in ordinary income. And I think that would usually be the case then this tax would not affect a sale of stumpage. But if you sell your whole woodlot and you are not in the business of selling woodlots and you happen to sell your woodlot and you paid \$50,000 and you get \$100,000 for it, you have \$50,000 capital gains, you are going to

pay a tax on that, that \$50,000 gain.

Sen. POULSEN: Mr. President I rise in opposition to at least part of this committee of conference report. The capital gains tax which I think hits the wrong people all together. Most of the people who have been farmers, who have been living on the land in New Hampshire, do not have any pension plan. There is nothing available for them. In fact damn little have enough social security and they have used their land, their holdings, their farm as a potential pension. They plan as they get older, to sell off a piece here and there. That acts as a pension to them. This practically prohibits that. I think if you are going to do this you should put a tax on the pensions that the judges get and that Sanders gets, and that everyone else gets. You are doing the same thing to one group of people and letting everyone else off scott free. In addition to that, some of this gets taxed two and three times. We have a timber tax that we have to contend with. We have current use, these are all applied to the land. And now you are going to have a capital gains tax. By the time you get done you might be cheaper to set the woods on fire and let it go at that. Maybe it isn't worth anything, I don't know. To me it is completely wrong. You are hitting the wrong people.

Sen. KEENEY: Senator Poulsen, this is the schedule D for capital gains that one would report on to the federal government. Would you take this and using as an example a typical farm that somebody has lived on for 30 to 40 years and tell me why they would still have to pay if they added everything up?

Sen. POULSEN: I am not that familiar with the form but I do know that if I sell off a piece of land which I have, that I have to go back and get my original price, the taxes I have paid on it, the timber I have taken off, and end up with a profit. That profit goes in as a capital gains on my income tax and, therefore, I have to pay another tax on a tax that I am already paying.

Sen. KEENEY: I understood that you originally referred to a farm that somebody had been living on, and I was hopeful that perhaps if you looked at the question

and thought about the answers you would realize that it is very unlikely they would have to pay a capital gains in that case.

Sen. POULSEN: Senator Keeney, I think that you are visualizing selling the entire property. Which may not always be the case. I have considerable acres around me which are contiguous but they are not farmed or handled in one place. I have every reason to believe that I might drop off pieces here and there and sell them in which case they would be coming off my domicile and I can't believe that Uncle Sam says that's all right Andy, go ahead. I am sure that he will say you will pay a capital gains tax.

Sen. KEENEY: Can you see from that form that if you can show that you did not gain, that you would not have to pay them and you would not have to pay the state of New Hampshire?

Sen. POULSEN: Senator Keeney, if I didn't gain I wouldn't sell it. There would be no point in it. That would be my pension.

Sen. DOWNING: Mr. President, I rise in support of the conference report. It seems to me that this agreement here centers on the capital gains aspect of the report. As much as we have approved the other sections of it previously and you know we shouldn't look upon this as something new. Capital gains isn't something new to our tax structure. We have been taxing capital gains ever since we adopted a business profits tax. The only thing is that we haven't called it that. I am not sure that I will ever understand why it hasn't been challenged in court as discriminatory but we avoid and in fact it is a joke within the department of revenue when you mention capital gains, that we don't have a capital gains tax. In all conversations you refer to one however. If you sell business property now you pay the business profits tax on it. In reality that is a capital gains tax but we don't call it that. So you are merely broadening the base of the business profits tax when you do this and you are eliminating the discrimination that exists and you are making the business profits tax apply to everybody equally. Now why should

an individual that owns a little duplex house that has to sell it one day, why should they be taxed and somebody that wants to divide 100, 2000 acres of land shouldn't be taxed. That doesn't make any sense. There is no fair play there. Now as far as Senator Poulsen is concerned about taxing somebody out of their pension. I think you can see that that is impossible because they are not going to sell it as he said unless they make a profit, they need to make enough profit to cover the tax. It is a very equitable formula that we have here. It is the most comprehensive revenue proposal that this body has had. And it will go a long way, further than anything else we have considered to resolving our present appropriation, our budget dilemma. There probably are some other things you would still consider doing. If you want to do all the things that were recommended to you by Senate Finance, you are going to have to do something other than this. You are going to have to improve the revenue picture. But this at least will do more than anything else you have had before us and it goes a long way to equalizing existing law and I don't think that you should look upon it as something you are doing new. You are just making what you have now to apply equally to people when it comes to making capital gains on their investment. I urge you support the conference report.

Sen. MONIER: Mr. President as I understand it, this is a committee of conference report therefore it cannot be amended on the floor am I correct on that?

The CHAIR: That is correct Senator.

Sen. MONIER: On that basis then if I as an individual were for the business profits tax but not for the capital gains amendment that has been brought in, would it be proper for me at this time to ask for discharge of the committee or would it be more proper to have a vote on this and I vote against it?

The CHAIR: In answer to your question Senator Monier, I believe there are three choices that the senate has. It can adopt the committee report, you can reject the committee report or you can move to discharge the pre-

sent committee of conference and have a new committee of conference.

Sen. MONIER: The only way however that I could have after whatever action we take here, to vote on a business profits tax or any other form of revenue that a committee of conference might want to discuss or to enforce in the future tomorrow or today, would be to discharge this committee.

The CHAIR: If you adopt the first two alternatives as I stated you won't have that opportunity. If you take the third route then you can do that.

Sen. MONIER: If, therefore, I really want part of HB 536 and I don't want this particular thing then I should vote now to defeat the committee of conference and then more for a discharge of the committee.

The CHAIR: Senator I believe you could do it either way. You could vote against the report of the conference committee or you can move now to discharge the present committee of conference.

Sen. LAMONTAGNE: Mr. President how is the opposite House going to appoint conferees when they are not in session? What's going to happen to this bill?

The CHAIR: That would be a matter for the House to take up, however, it would be my opinion that there would be probably either adopt the recommendation of the Senate or ask for another committee of conference on the part of the House.

Sen. MONIER: Just for the record, has it not been a normal protocol that when you wish to have something left to consider for a discharge of committee and a new committee to be appointed, has it not been a normal protocol or precedence that we have then vote it against the committee of conference rather than to make the move to discharge it prior to a vote?

The CHAIR: It has been my memory Senator that it has been done both ways. The Chair will state the parliamentary question. The question before the senate is the motion of Senator Keeney to adopt the committee report.

Sen. MONIER: I will be very brief Mr. President. I

rise after our series of inquiries of the chair and consultation to state that I am going to have to vote against the committee of conference. My reasons are very simple. One is I don't want a capital gains tax. The second is I do want the business profits tax. The increase that is on this bill I feel that the only way that we can get down, we have already had defeat of the carbonated beverages or soda pop bill as it is called, I feel that at the present time vote down this committee of conference I will immediately ask to be then recognized to move for a new committee of conference and I would suggest to them several different areas of revenue at the same time including the business profits tax which keeps it alive at 8%. I think we are kidding ourselves here this afternoon. The Governor has publicly stated he will veto this bill if it has this on it, I think we are just spinning wheels to do this. I recognize that you can then bring it back and say it is his fault. I don't care whose fault it is. The point is if we have the business profits tax, one or two other taxes on the same kind of a package that both Senator Trowbridge and Senator Rock has spoke about, it is available to us, this bill can go back to a committee of conference, ways and means and they can again work upon it. If they want to bring it back out again, fine, give them some alternatives. But the polite way to do it is that we one, vote not to accept it and then move immediately to discharge the committee without any inferences to their capabilities but rather in terms of putting them back in a different direction.

Sen. DOWNING: Senator did I hear you correctly that you were opposed to a capital gains tax?

Sen. MONIER: Yes.

Sen. DOWNING: Senator would you support then abolishing the present capital gains tax that we have?

Sen. MONIER: I don't know but I, because I am not aware exactly of what it is at the present time, I am opposed to any further one of this nature in terms that both the business profits tax and this will hit two things. One investment money. Without investment money and the business profits tax being raised to 8% you are going to

restrict the amount of capability or business, commercial or other kinds of developments which provide our economic production. That is my reason for being against it.

Sen. DOWNING: Senator would you believe me at present if a business or proprietor sells business property that they pay a capital gains tax?

Sen. MONIER: Yes I am aware of that.

Sen. DOWNING: Senator don't you feel that it would be proper to either equalize or eliminate the discrimination?

Sen. MONIER: I am not going to get into that argument about discrimination of a tax because I think a lot of our taxes are already discriminatory. Right now, today, this week, I am only trying to see to it that we raise money. As I said before I think it is a matter of philosophy not a matter of taxes. I think we are going to have to raise a certain amount of money. I think there is another way to do it besides the package that we are being presented with. I am saying that I am voting against it for that purpose and I would ask then for a committee of conference and suggest some other ways for them to raise money.

Sen. TROWBRIDGE: Just briefly Mr. President. As we consider this issue I hope that you will all realize that there is no assurance that another committee of conference is going to come back with anything better or even that they will come back with the head tax which is what the Governor would like to see happen. I might remind the Senate that the constitution of this state says that taxes shall arise in the house. It does not arise by the tweaking of the Governor through the Senate and back to the house. If I were a house member I would be rather dismayed at this senate, having passed enough tax measures with one left over, to fund the senate version of the budget that we here have not been responsible enough to take the bills that arose in the house which is the revenue raising side of this body.

Sen. Blaisdell requested a roll call. Seconded by Sen. Keeney.

The following Senators voted yea: Bradley, Jacobson, Blaisdell, Trowbridge, Keeney, Hancock, Fennelly, Downing, Preston, Foley.

The following Senators voted nay: Lamontagne, Poulsen, Smith, Gardner, Bergeron, Monier, Rock, McLaughlin, Healy, Sanborn, Provost, Brown, Bossie.

10 yeas 13 nays

Motion failed.

Sen. DOWNING: Mr. President I rise in opposition to the pending motion. I don't rise in opposition to a new committee of conference because I think that is the way things have to be handled or you just stay in limbo. Something has to give here. I do resent being associated in any way with further consideration or any consideration of a residence tax. So I would vote against this motion unless the motion were changed to give all of the instructions you want. You can give all the options that you would like the conferees to consider in a new conference but to say specifically that this is part of the motion and this is what the senate approves and this is what the senate wants done, I oppose it. I oppose it very strongly while recognizing that the conferees have to get back to work. If the present motion is not amended I would urge you to defeat it, and then there would be another motion made just to replace the senate conferees and hopefully they would come back with something more acceptable to us.

Sen. MONIER: Senator I have absolutely no objections to your comment. The question is though, what would you consider it would now take up. For example, the sales of wine in the grocery store has already been defeated and has been refused to be brought out on the floor because it was one that was brought into a 2/3rds vote. The soda pop has already been defeated here today. The capital gains has already been defeated here today. The only other things on the list that was provided us

this morning is business profits, prepayment which I suspect is something that obviously could be added. Capital gains which is gone down now, carbonated down, and head tax. I will be very happy to say that that is my hope of what they would do. I would be very happy for you to introduce the slot machine bill if you would like to. I will amend the motion that we discharge the committee and I am asking that they ought to have some other thing that they refused to bring out.

Sen. DOWNING: I feel that probably the first position of the conferees might be to just take the capital gains portion of this measure out and deal with what is left which the senate has already dealt with in the past, 1% increase and being the update filing period. Then I think we would have to look for other measures, new measures which you know can be introduced instantly with the approval of the joint rules. There was another gambling or slot machine measure suggested by Senator Healy who wanted to present it to Joint Rules this afternoon but the meeting was called and then postponed because they couldn't get the members there. Senator Rock suggested the residence tax and there was another senator who suggested a tax on automobiles and excise tax on automobiles that might be considered. So I think there is probably some revenue measures that we haven't considered yet that might be considered. I think it is important that as we go along we begin to know where we are, what we have and what we don't have so those things that are acceptable I would be of the opinion that the sooner that we act on those the better off we are and we narrow the difference and can concentrate better on that.

Sen. MONIER: Senator we are not really arguing except that I used some words that you didn't happen to like which is a head tax.

Sen. DOWNING: Absolutely Senator the only thing we are arguing about is the words that you use.

Sen. MONIER: You will agree, however, that those are the ones that we received on the list this morning as possibility. Would you like me to show it to you. That is where they came from. Package 1, business, prepayment,

capital gains. Package 2, carbonated beverage, business profit, prepayment. Package 3, business profit, prepayment, head tax. Then down here, other balance items, which to me was a 6% reduction. Did I use anything just for my conscience, did I use anything on the list which wasn't provided by finance?

Sen. DOWNING: Apparently not Senator.

Sen. MONIER: That was the reason for it.

Sen. Monier moved to nonconcur with the committee report and to request a new committee of conference.

Adopted.

The Chair appointed Sens. Keeney, Bradley, and Downing.

Sen. Monier in the chair.

ENROLLED BILLS AMENDMENTS

HB 543, relative to mining and the reclamation of mined lands and making an appropriation therefor.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 543

Amend RSA 12-E:2, VIII as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

of the proposed shaft, drift, cut or open pit; and includes but is not limited

Amend RSA 12-E:2, IX as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

plan; and the one who signs the bond required by this chapter.

Amend RSA 12-E:4 as inserted by section 1 of the bill

by striking out line 12 and inserting in place thereof the following:

legal interest in the land or the mineral rights therein.
Permits issued

Amend RSA 12-E:9 as inserted by section 1 of the bill by striking out line 7 and inserting in place thereof the following:

and conditions for renewal of permits issued.

Amend RSA 12-E:18, IV as inserted by section 1 of the bill by striking out line 7 and inserting in place thereof the following:

permit for the tract in question. The director shall then notify the permit

Amendment adopted.

SB 4, establishing a board of claims for the state and making an appropriation therefor.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 4**

Amend RSA 541-B:5 as inserted by section 2 of the bill by striking out line 5 and inserting in place thereof the following:

the event of any disqualification, the governor by the authority of RSA 21:34-a, the

Amend RSA 541-B:11, XI as inserted by section 2 of the bill by striking out line 3 and inserting in place thereof the following:

services covering its recommendations and shall submit the drafted bill to

Sen. LAMONTAGNE: Mr. President and members of the senate this corrects a grammatical error in RSA 541-b as inserted by section 2 of the bill.

Amendment adopted.

HOUSE MESSAGES HOUSE REQUESTS CONCURRENCE IN AMEND- MENTS

HB 366, requiring results of third reading votes be included as part of questions proposing constitutional amendments. Recalled June 15, 1977.

Sen. Rock moved that the Senate concur with the amendment.

Sen. ROCK: Mr. President this corrects an error that we didn't notice and as when we passed the original legislation it said the vote on second reading. We don't take votes on second reading we take them on third reading on constitutional changes and this merely changes it from second reading to third reading.

Adopted.

See House Record. pg. 3037

HB 627, prohibiting certain advertising and expenditures by electric and gas utilities. Recalled June 20, 1977.

Sen. Bossie moved that the Senate concur with the amendment.

Sen. BOSSIE: Basically I Mr. President, this is a bill that had passed with regards to utility advertising and the governor asked that it be recalled for the purpose of the amendment and it was done in the house and we just want to concur with the house. It just provides in an advertisement by any electrical gas utility the source of the funds used to pay for the ads will be noted on the adver-

tisements. We ask you to concur with the house on this amendment.

Adopted.

See House Record. pg. 3037

HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor and relative to the licensing of accountants.

Sen. Lamontagne moved that the Senate concur with the amendment.

Sen. POULSEN: The amendment actually settles a dispute between practitioners CPAS, everybody is happy, it seems to be what they want.

Adopted.

See House Record. pg. 3045

HB 836, relative to taxation of residences in industrial or commercial zones. Recalled June 15, 1977.

Sen. Preston moved that the Senate concur with the amendment.

Adopted.

See House Record. pg. 3036

HOUSE CONCURS IN SENATE AMENDMENT

SB 307, relative to deceased funeral directors. Recalled from Governor.

HOUSE ADOPTS COMMITTEE OF CONFERENCE REPORTS

HB 433, to create and provide police powers for the security forces at certain state institutions.

HB 756, relative to acceptance of petitions by the planning board.

Recess to the call of the chair at 2:20 p.m. on June 20, 1977.

Out of Recess.

Sen. Saggiotes in the chair.

ENROLLED BILLS REPORT

SB 350, authorizing games of chance at agricultural fairs and nonprofit fundraising activities and permitting local officials to receive reports of beano games.

SB 7, establishing retirement and permanent disability benefits for district court justices.

SB 49, exempting certain vehicles from the motor vehicle title law.

SB 118, relative to reporting all resources received by a welfare recipient.

SB 131, relative to the sale of distillate heating oil.

SB 176, to amend the law relative to taxation on legacies and successions.

CACR 16 RELATING TO: The Date the Secretary of State Shall Lay the Votes for Governor Before the Senate and House of Representatives. **PROVIDING THAT:** The Secretary of State Shall do so the First Wednesday Following the First Tuesday in January.

HB 812, establishing an order of distribution of assets of insolvent insurers.

HB 838, to assure the appearance of nominees on the ballot.

HB 869, clarifying the priority of claims against insolvent insurance companies and relative to an assistant insurance commissioner and director of examinations.

HB 870, to provide for the use of interpreters for the deaf for all administrative and judicial proceedings in

which deaf persons are involved and relative to hearing dogs.

HB 880, relative to telephone calls to emergency services in towns.

HB 884, relative to the payment of wages to an employee who reports to work at the request of his employer.

HB 1006, establishing Merrimack valley college as a fourth school in the university system.

HB 1083, relative to time-of-day electric utility rates.

HB 1086, changing the name of the New Hampshire home for the elderly to the Glencliff home for the elderly; and transferring the Glencliff home for the elderly from the division of public health to the division of mental health and relative to tax exemptions for Salemhaven, Inc., a community nursing home project for the needy and certain other non-profit organizations.

HB 1130, relative to the dispensation of controlled drugs.

HB 1144, relative to the establishment of workmen's compensation self-insurance programs.

HB 1184, relative to a temporary absence from residence and its effect on voting rights.

HB 1185, concerning purity of elections and a voter registration form.

HB 1186, relative to legal voters.

HB 1188, concerning membership of the ballot-law commission.

HB 518, relative to retirement benefits for teachers who retired prior to 1957 and relative to retirement credit for William J. Byrne and making an appropriation therefor.

HB 523, authorizing payment to Merrimack county for services rendered and making an appropriation therefor.

HB 546, relative to detective and security agencies.

HB 553, relative to search and rescue operations; establishing a search and rescue review board and making an appropriation therefor.

HB 573, providing for the acquisition of certain dams and water rights by the water resources board and making an appropriation therefor.

HB 575, increasing the appropriation from \$6,000 to \$10,000 for a continuing boat tax fund administered by the department of revenue administration; and relative to the inspection of rental boats.

HB 579, amending the interest and dividends tax relative to the rate, method of distribution and number of exemptions for the elderly or blind.

HB 590, relative to a return transfer of funds from the division of welfare to the division of mental health.

HB 596, amending the real estate transfer tax.

HB 597, relative to the application and expenditure of federal funds and making an appropriation therefor.

HB 640, relative to the regulation of physical therapists.

HB 652, relative to the sealing and certifying of ballots.

HB 659, requiring a minimum of 2 years residency before applying for free hunting or fishing license, or both.

HB 686, relative to the duties of persons involved with vital statistics.

HB 769, establishing primary elections for the cities of Laconia and Somersworth.

HB 804, conforming the New Hampshire clean air act to the requirements of the federal environmental protection agency.

HB 29, amending the election laws relative to the qualifications of a candidate filing for certain political offices.

HB 79, relative to the location of cemeteries.

HB 93, relative to the licensing of electrologists.

HB 197, relative to open pit burning in towns of less than 2,500 population.

HB 227, relative to procedures for appointment and removal of the deputy commissioner of safety.

HB 270, relative to certain capital improvement appropriations for the aeronautics commission and the water resources board and the adjutant general.

HB 280, relative to ownership of certain unlicensed dogs and the penalty involved for not licensing a dog.

HB 284, relative to transfers of classification in the retirement system and making the deputy commissioner of

safety a group II member of said system and making an appropriation therefor.

HB 302, to provide for interest on tax refunds for all taxes administered by the department of revenue administration.

HB 328, prohibiting the removal of sand or vegetation from sand dunes.

HB 370, relative to salaries of full-time justices of district courts.

HB 374, increasing certification fees of psychologists and removing the requirement of citizenship.

HB 387, establishing the police standards and training council fund to consist of penalty assessments imposed in certain criminal cases.

HB 390, relative to the selection of delegates to national presidential nominating conventions.

HB 456, providing for the preparation of an election procedure manual and making an appropriation therefor.

HB 515, establishing a study committee to investigate costs and methods necessary to update the record-keeping functions in the office of the secretary of state.

HB 764, expanding the penalty provision relative to an overloaded vehicle.

Sen. Lamontagne for the committee.

ENROLLED BILLS AMENDMENTS

HB 286, relative to the appointment and qualifications of the fish and game commission and providing for the appointment and removal of the executive director of the fish and game department.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 286

Amend RSA 206:2-a, II(e) as inserted by section 1 of the bill by striking out line one and inserting in place thereof the following:

(e) a personal record free of convictions of violation

Amend RSA 206:2-a, II(g) as inserted by section 1 of the bill by striking out lines one through three and inserting in place thereof the following:

(g) in the case of the coastal commission member, a general knowledge of all crustaceans and bivalves in coastal waters and salt water fishing in general.

Amend RSA 206:3 as inserted by section 2 of the bill by striking out lines 3 and 4 and inserting in place thereof the following:

Each year at least 2, and not more than 3, members shall be appointed. Vacancies in the commission shall be filled for the unexpired term in the same manner as the original appointment.

Sen. BERGERON: Mr. President it gives me a great deal of pleasure to stand in front of this great august body with an explanation to the enrolled bill amendment to HB 286. These first two amendments make the subparagraphs of RSA 206-2-a grammatically consistent. The third amendment provides for the appointment of the 11th member in one of the years and clarifies the provision relating to filling vacancies.

Amendment adopted.

HB 529, relative to reimbursing victims of violent crimes and making an appropriation therefor.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 529

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to reimbursing victims of violent crimes.

Amend RSA 622-B:3, I as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

New Hampshire consisting of 5 persons. Each person shall serve for 5 years or

Sen. BERGERON: Mr. President, the first amendment conforms to the substance of the bill and the second amendment corrects a grammatical error.

Amendment adopted.

HB 670, relative to counting ballots at elections.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 670

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to counting ballots at elections and disqualifying certain election officials from working at polling places.

Sen. BERGERON: Mr. President this amendment conforms the title to the substance of the bill.

Amendment adopted.

HB 876, relative to prior service credit of group I members of the retirement system.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 876

Amend section 1 of the bill by striking out line 10 and inserting in place thereof the following:

by RSA 100 and RSA 192, not otherwise credited, provided that

Sen. BERGERON: Mr. President this amendment corrects a grammatical error and institutes a product liability

Amendment adopted.

HB 1126, relative to the New Hampshire retirement system and the state employee's retirement system of New Hampshire.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 1126

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

inserting after section 47 the following new subdivision:

Amend section 1 of the bill by striking out line 4 and inserting in place thereof the following:

100-A:48 Employees' System Members; Service Retirement Benefits. Notwith-

Amend section 1 of the bill by striking out line 16 and inserting in place thereof the following:

100-A:49 Employees' System Members; Definition Changed. Notwithstanding

Sen. BERGERON: Mr. President, contrary to the belief of some members this is not a lawyers or a judge's pension bill but this amendment renumbers two new sections being inserted in the RSA. The section numbers originally

used in this bill are also used in a previously passed bill. This amendment corrects the duplication.

Amendment adopted.

HB 845, revising the access to public records law (RSA 91-A).

Sen. Bergeron for the committee.

Enrolled Amendment to HB 845

Amend RSA 91-A:2, II as inserted by section 3 of the bill by striking out line 24 and inserting in place thereof the following:

of order of any body or agency described in RSA 91-A:1-a requires a broader

Amend RSA 91-A:3, II as inserted by section 4 of the bill by striking out line one and inserting in place thereof the following:

II. Exceptions. A body or agency may exclude the public, citing for the

Sen. BERGERON: This amendment simply directs an RSA citation and the second amendment corrects an erroneous word substitution.

Amendment adopted.

HB 856, relative to the inspection of used motor vehicles offered for sale by retail dealers.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 856

Amend section 1 of the bill by striking out lines 1

through 3 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 358-E the following new chapter:

CHAPTER 358-F

Amend RSA 358-D as inserted by section 1 of the bill by striking out sections 1 through 4 of the chapter and inserting in place thereof the following:

358-F:1, 358-F:2, 358-F:3 and 358-F:4, respectively.

Amend RSA 358-F:4 as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

or should have been discovered, during the inspection required by RSA 358-F:2

Sen. BERGERON: Mr. President this amendment changes RSA 358D to RSA 358F which is required by legislation which passed earlier in the session.

Amendment adopted.

SB 288, relative to nursing home administrators.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 288**

Amend section 3 of the bill by striking out lines 1 through 5 and inserting in place thereof the following:

3 Composition of Board of Examiners. Amend RSA 151-A:3, I (supp) as inserted by 1969, 459:1 as amended by striking out in lines 4, 5 and 6 the words "except that such members of the initial board shall be required only to possess the qualifications and be eligible for provisional

licensure as required under this chapter," so that said paragraph as amended shall read as follows:

Amend RSA 151-A:7, IV as inserted by section 6 of the bill by striking out line 9 and inserting in place thereof the following:

established pursuant to this chapter. For purposes of this paragraph, the

Sen. BERGERON: Mr. President the first amendment corrects an error in the amending language of section 3 and the second amendment corrects an internal reference.

Amendment adopted.

SB 324, requiring an annual financial statement from a person, association or corporation conducting horse or dog races or meets.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 324**

Amend RSA 284:32-a as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

profit and loss statement for said person's, association's or corporation's prior

Amendment adopted.

SB 174, relative to placing a neglected child under the supervision of the director of the division of welfare.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 174**

Amend section 2 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

by striking out said section and inserting in place thereof the following:

Amendment adopted.

SB 40, repealing certain provisions currently included on tangible property inventory blanks.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 40**

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

Amend RSA 74:4, I(c) as amended by striking out said subparagraph and inserting

Amend section 2 of the bill by striking out line one and inserting in place thereof the following:

2 Repeal. RSA 74:4, I(e), relative to a list of shares in certain railroad

Amend the bill by striking out section 3 and renumbering section 4 to read as

3.

Amendment adopted.

SB 181, amending certain provisions of the land sales full disclosure act.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 181**

Amend RSA 356-A:5, III as inserted by section 12 of

the bill by striking out lines 4 through 6 and inserting in place thereof the following:

(u) and RSA 356-A:6, I, a copy of an effective statement of record, a property report, and any exhibits requested by the agency, filed with the secretary of housing and urban development.

Amendment adopted.

SB 149, protecting the welfare of certain adults by providing protective services.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 149**

Amend section 1 of the bill by striking out lines 1 through 3 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 161-C the following new chapter:

CHAPTER 161-D

Amend RSA 161-B as inserted by section 1 of the bill by striking out sections 1 through 6 and renumbering said sections to read as

161-D:1, 161-D:2, 161-D:3, 161-D:4, 161-D:5 and 161-D:6, respectively.

Amendment adopted.

SB 167, relative to the enforcement of court ordered child support payments.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 167**

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the assignment of wages of employees of the state and political subdivisions thereof, and relative to the assignment, attachment and execution of benefits under the New Hampshire and policemen's retirement systems.

Amendment adopted.

SB 171, relative to dredge and fill and the location and certain specifications of wharves and piers.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 171**

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to fill and dredge and certain minor wharves and piers in wetlands.

Amendment adopted.

SB 366, establishing a 5 member oversight committee to recodify the election laws and making an appropriation therefor.

Sen. Bergeron for the committee.

Enrolled Amendment to **SB 366**

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a 7 member oversight committee to recodify

the election laws and making an appropriation therefor.

Amendment adopted.

HB 1064, relative to listing all exemptions on the annual inventory form.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 1064

Amend RSA 72:33, I as inserted by section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

I. No person shall be entitled to the exemptions provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 39, 43-b, 62 and 65 unless he shall

Amend RSA 74:4, I(a) as inserted by section 5 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

exemption under RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 39, 43-b, 62 or 65, each of which shall be briefly described on the blank, that he is

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Application for Wind-powered Energy Systems Exemption. Amend RSA 72:68, I as inserted by 1977, 185:1 by striking out said section and inserting in place thereof the following:

I. On or before April 15 of the first year in which an exemption is claimed, a person qualified for the exemption under RSA 72:66 shall file a permanent application for the exemption with the selectmen or assessors. The selectmen or assessors shall have an application form prepared, to be signed by the applicant under penalty of

perjury, which shows that the applicant is qualified for the exemption.

7 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

HOUSE ACCEDES TO REQUEST FOR NEW COMMITTEE OF CONFERENCE

HB 536, relating to the business profits tax rate, deductions and method of distribution.

The Speaker has appointed Reps. Conrad Quimby, Jean Wallin, John Tucker and Richard Ahern.

Sen. Fennelly spoke under rule No. 44.

Sen. FENNELLY: Thank you Mr. President. I would like at this point to bring up a very important subject on an important bill that might die in this session. If it is not passed or we cannot get the bill back the consumers of this state will surely be paying the highest tolls in America. What it is is SB 85 that passed the senate on a 21 to 2 vote. It passed the house by a great majority and went into a committee of conference of which three senators were on that committee of conference. Senators Lamontagne, Poulsen and Fennelly. They all signed the committee of conference report. And five members of the House. At that committee of conference the five house members agreed to an amendment that in order for the toll to go up, seven members of the legislature, 4 members of the house, and 3 members of the senate would report to both bodies if the increase in the tolls were justified. That was one week ago and everybody signed that committee of conference report and agreed to it except one member of the house. Well I learned today that the highway department did get to that member and he refuses to sign that committee of conference report after agreeing to sign it. I think it is a sad day in this state

when the sacred cow, the highway department, has that influence over this legislature. They knew unless they couldn't get to a certain member of the house that if the bill was vetoed for the first time in about two years we have had a veto proof bill through this senate. The sponsors of the Bill Senators Rock, myself and Monier, McLaughlin. The problem with the highway department as I myself and Senator Rock projected, of the increase in the tolls that were supposed to come at a future date, are here right now. I think the way Senator Trowbridge said now and in the law session the day has come that we the legislature must control all aspects of highway planning. Especially in the four-lane construction of highways. Unless we put some great pressure on that department that spends the second largest amount of money in the state of New Hampshire, that everybody, not everybody, but a great majority caters to and bends to in this state and I think it is a disgrace. Well I am going to be coming back here and that highway department had better be assured that I am going to put a blowtorch on them that they are never going to target.

Sen. Lamontagne spoke under rule No. 44.

Sen. LAMONTAGNE: Mr. President, members of the Senate, personally on SB 85 I happened to be a member of the conferees, and the public works department did not get in touch with me. I would like to say that I don't know when Mr. Gallaway has been contacted by the highway department, but I can say this as a member of that committee, if the public works department did get in touch with Mr. Gallaway that Mr. Gallaway has refused to sign as of last Friday. And at the same time I would like the honorable Senator to also know that I myself did not sign it either. So it wasn't only Galaway. I also refused and I'll tell the senate also why I refused to sign. Because it would have hurt the Spaulding turnpike. If the tolls had been set by the general court instead of by the governor and council the Spaulding turnpike was in trouble and therefore there was no need passing that bill on

the Spaulding Turnpike. Therefore, I say the Senator is wrong that he is blaming public works employees or whoever he has been mentioning. He is completely wrong.

Sen. Rock spoke under rule No. 44.

Sen. ROCK: Thank you Mr. President. I stand somewhat bewildered to hear a comment that the Spaulding turnpike was in trouble if SB 85 were to pass. This senate passed the Spaulding turnpike, the house was ready to pass and would have passed the Spaulding turnpike it was on the table and ready to pass, and it seems to me that what Senator Fennelly has said is that it is time for this legislature to have some input as to the setting of tolls in the state of New Hampshire which is long overdue. I have great concern with the way the members of the council are being manipulated and twisted and bent by the highway department. I have great faith in the house having served there and in this senate, that we should not and would not be twisted and bent in the fashion that the governor and council are being bent and manipulated and led by the highway department. Mr. Clements of the highway department has been dead-set against this bill since the day it was introduced. We have heard stories that are far from the truth on what the tolls were going to be. We have just handed a magnificent platter to a company in the form of a 10 lane, 16 million dollar interchange that is going to cause the tolls between Nashua and Concord to go to \$2.40. And you in the legislature have not had one single measure of input into what that toll is going to be nor will you be. By the way that the handling of this conference committee has gone on. So I have confidence in the senate and I have confidence in the house and I was even willing to bend on an issue that I stood very firm on in the past and that is that standing committees have equal numbers of senators and house members on it. And Senator Fennelly, who also feels that way, was willing to bend so that we would have four house members and three senators on an oversight committee that would look at the tolls before the cuts

were made before the commitments were made, before the plans were laid and before we were in the bite getting squeezed for these big new boondoggles. Senator, I am very surprised to hear that you weren't willing to answer a question and I really don't need to ask the question now, I've answered it. The answer is that this bill should be passed, I understand the Speaker is ready to reappoint members of the committee of conference who would sign that and I would hope that we would get some action on it at this time.

Sen. BERGERON: Mr. President I have to go along with some of the complaints that were voiced here this afternoon and I think it is in fact true that in certain aspects of this entire situation that we have not been dealt with honestly and fairly. My question to the chair is simply this. Is it not within our prerogative to discharge the present committee of conference, substitute a new one for it so we can't see the fruition of SB 85?

The CHAIR: That is possible.

DISCHARGE

Sen. Bergeron moved that the committee of conference on SB 85, relative to the authority to levy tolls on the eastern New Hampshire turnpike, the central New Hampshire turnpike, and the New Hampshire turnpike system, be discharged and that a new committee of conference be appointed.

Adopted.

The Chair appointed Sens. Poulsen, Bergeron and Fennelly.

Sen. ROCK: How would one go about finding out where the paperwork and the material was of the committee of conference that proceeded to this point. Should there be a way to accomplish this without going into a new committee of conference? How would we find out where is the chairman's copy and the bill itself and the work?

The CHAIR: Senator Rock, the paperwork, the bill, the

chairman's copy of the bill, should be in possession of the house clerk.

Sen. LAMONTAGNE: Three members of the conferees did not sign the bill. One was Representative James White Hill who signed this committee of conference on the following day. Representative Robert Gallaway as of today would not sign the committee of conference. Myself, as a member of the conferees, I haven't signed the conferee either.

Sen. ROCK: Senator you referred to the 5:00 o'clock deadline. It was my understanding that as long as the report had been filed with legislative services, an agreement was reached, that the signing of the document could be the following day or the subsequent day but the 5:00 o'clock deadline had to do with the submission of the report to legislative services, is that not correct?

Sen. LAMONTAGNE: I assume, so.

Sen. ROCK: When the document was submitted to legislative services prior to the 5:00 o'clock deadline was it your intention to sign it at that time?

Sen. LAMONTAGNE: At that time, yes. Later I discovered by talking with Gallaway that it made me change my mind.

Sen. ROCK: Are you aware Senator that there is presently a move to replace Mr. Gallaway since he had agreed to sign it and since it was submitted and that the Speaker intends to replace him with another representative because of Mr. Gallaway's action of agreeing to sign it and then subsequent to the 5:00 o'clock deadline, changing his mind. Are you aware of that?

Sen. LAMONTAGNE: I am not aware of that but I am aware that the Speaker just said this afternoon that he would find someone else to replace him. At the same time the Speaker did say that he assumed that all these signatures were going to be submitted before 5 o'clock on Thursday.

Sen. ROCK: At 5:00 o'clock on Thursday Senator, you had agreed to sign a committee of conference when it was submitted and then after speaking with Mr. Gallaway

you have changed your mind on that.

Sen. LAMONTAGNE: Yes I have.

Sen. BERGERON: Senator was there any discussion at all within any member of the committee of conference as to whether or not this bill passed there would be a bridge or an unbridging gap of land over water? Was there any kind of a deal made for a bridge?

Sen. LAMONTAGNE: There were no deals made of any kind.

RULING BY THE CHAIR

The Chair ruled that any action on the committee of conference report on **SB 85** will require a 2/3 majority vote to suspend the rules.

ENROLLED BILLS AMENDMENTS

HB 1030, concerning neglected and delinquent children and persons in need of supervision.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 1030

Amend section 2 of the bill by striking out line 6 and inserting in place thereof the following:

(a) A foster home or a home otherwise authorized by law to

Amend section 2 of the bill by striking out line 9 and inserting in place thereof the following:

(c) A facility operated by a child welfare agency; or

Amend section 3 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

inserting after section 21-c the following new section:

169:21-d Disqualification of Judge. A judge who conducts a hearing pursuant

Sen. LAMONTAGNE: Created by the provision of this bill and related to the provision of HB 621 which was enacted earlier in the session. This amendment also renumbers a new RSA section inserted by this bill since the section number used here was used in a previously enacted bill in this session.

Amendment adopted.

SB 307, relative to deceased funeral directors.

Sen. Lamontagne for the committee.

Enrolled Amendment to SB 307

Amend section 1 of the bill by striking out lines 2 through 8 and inserting in place thereof the following:

striking out said section and inserting in place thereof the following:

Sen. LAMONTAGNE: This amendment corrects an error in the amending language.

Amendment adopted.

HB 228, imposing an additional one cent tax on motor fuel and fuel other than motor fuel, dedicating 95 percent of the revenue to towns and cities, and relative to the construction of the Spaulding turnpike extension and making an appropriation therefor.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 228

Amend section 3 of the bill by striking out line 3 and inserting in place thereof the following:

241:15 Additional Highway Subsidy. In addition to the subsidy pro-

Amend section 4 of the bill by striking out line 2 and inserting in place thereof the following:

1971, 520:1 as amended by striking out in lines 7 through 9 the project and amount

Sen. LAMONTAGNE: This first amendment inserted in the new section of section 15. The second amendment corrects an error in the amending language.

Amendment adopted.

HB 756, relative to acceptance of petitions by the planning board.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 756

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to filling certain vacancies in the membership of a planning board, permitting any elected planning board to appoint 3 alternates, and the acceptance of petitions by planning boards.

Amend section 2 of the bill by striking out line 2 and inserting in place thereof the following:

amended by striking out said paragraph and inserting in place thereof the following:

Sen. LAMONTAGNE: This amendment conforms the title of the substance of the bill and corrects an error in the amending language of section 2.

Amendment adopted.

HB 601, providing cost of living increases for all members of the New Hampshire retirement system and relative to the state share of the normal contribution for non state employee members of the New Hampshire retirement system, the firemen's retirement system and the policemen's retirement system.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 601

Amend section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

42-a the following new section:

100-A:42-b Additional Allowances.

Amend section 26 of the bill by striking out line 3 and inserting in place thereof the following:

(a) RSA 100-A:42-b, I, II, III, IV, V, as inserted by section one

Amend section 26 of the bill by striking out line 7 and inserting in place thereof the following:

(a) RSA 100-A:42-b, VI, as inserted by section one of this act.

Sen. LAMONTAGNE: This amendment renumbers a new RSA section that is inserted by this bill provisional section number used herein was used in another bill enacted earlier this session.

Amendment adopted.

Recess.

Out of Recess.

Sen. Downing spoke under rule No. 44.

Sen. DOWNING: Mr. President I rise reluctantly to address a problem that I find particularly distressing. It is my understanding that the conference committee on the operating budget is considering further including the projected revenue for Sunday liquor sales in so many liquor stores. I would like to make it perfectly clear that I regard this at this time as a rather devious method of trying to force a bill out of the senate committee. I think at the least that it should require a 2/3rds vote of this chamber if it ever comes to pass. Secondly, I would remind the Senate of a conversation that we had on this floor just a few short years ago when the Hooksett stores were established. We wanted to open on Sunday and at that time I was surprised at some of the support that that move had. However, we were assured by many proponents of that proposal that it would not affect the other stores even though I listed the stores that would be coming back two years hence to open. Those are almost exactly the stores that are in the bill that sits in the Senate Ways and Means committee. Now I want to point out one thing immediately. That the revenue estimates are not accurate for that type of operation. I think if anybody is considering it further they ought to be aware of it. For example, you have a \$2.4 million estimate for the biennium or 1.2 million for the annual receipts. Out of that \$250,000 they count from the Hooksett stores which is revenue they already have. And they are counting it again. They are counting it as extra Sunday revenue. Well Hooksett stores are not going to increase like that and they are basing their estimates for the other stores on the Hooksett stores. The Hooksett stores were always open on Sunday. So you can't tell me what the Nashua store or the Pelham or the Salem or the Plaistow store are going to do based on the percentages that they realized in Hooksett. The more reasonable thinking says that we are

merely going to divert for sales. Instead of having them on Friday night and Saturday we are going to have some of them on Sunday. And we are not going to realize that revenue. Instead we are going to upset the family life of our state employees who are involved in those local stores completely and unnecessarily. I really respectfully ask that you be rational about this thing, take a hard look. There has been no survey run in these stores. You talk to the LBA, they have no idea how the figures were arrived at. They are just guesstimates by the liquor commission and they have no sound basis for their estimates. Some of at least are considering embarking on a thing that could just be disastrous to the family life of some of our employees. I tell you it is not worth the possible money that is involved. I'd like to offer you a couple of comments that have been offered to the ways and means committee relating to this. I would just like to share them with you. They were very, very significant to me. One comment was that New Hampshire pays lip service to the idea that people are more important than the state and that the rights of people are substantially worth more of protecting wherever possible than our so-called rights of the state. Presumption rests with the right of the people not to be subjected to such servitude in the service of the state without a clear and pressing need of such service. The raising of a few dollars by requiring Sunday work does not seem to be a need pressing enough to overturn such a presumption. Sunday is the single, true family time we have together. This was by somebody testifying before the committee. Take away any of those Sundays, and I and my family and others like us, will be subjected to an ill-advised hardship, destructive of a value we hold dearly. The value of the family unit. It is the responsibility of the state to preserve social values not knowingly diminish them. I really, really can't urge strongly enough that the conferees very seriously consider number one, the erroneous information, the lack of a sound basis for the estimates of revenue and the adverse effect it is going to have on family life if they seriously consider putting Sunday sales in there, not to mention the method of forc-

ing a bill out of the senate committee when the rules say it takes $\frac{2}{3}$ rds. And I would say this, that if that is included in the operating budget, regardless of all else, it is sufficient for me to reject that budget and encourage anybody else in this body to do likewise.

COMMITTEE OF CONFERENCE REPORT

Committee of Conference Report on HB 1191

The committee of conference to which was referred House Bill No. 1191, An Act making appropriations for capital improvements, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amendment to HB 1191

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed in this section are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Adjutant General

A. Intrusion detection system	\$56,400
Less federal	42,300

Net appropriation	<hr/>	\$14,100
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B. Milford armory	50,000
Less federal	9,000

Net appropriation	<hr/>	41,000
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C. Manchester armory-boiler repair		3,500
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Total paragraph I		\$58,600
II. Administration and Control		
A. Window replacement		600,000*
B. Design, purchase and installation of an automated energy management system including heat and mechanical controls, insulation, sensors and related equipment for the following buildings: state house, state house annex, legislative office building, state library, Hayes building Morton building, supreme court building, health and welfare and CDP building and health building on South Spring street. Design, purchase and installation of a steam absorption air conditioning system for the entire state house.		1,409,500**
C. Test wells for state office complex on Concord Heights		15,000
D. Demolition of 2 wooden buildings on South street		57,000
E. Purchase and property warehouse repairs		10,000
F. Security gate—Bridges house		5,000
G. White farm barn—floor replacements		23,000
H. Eagle hotel		
(1) Fees for 2 independent appraisals	10,000	
(2) Option to purchase	50,000***	
Total paragraph H		60,000
Total paragraph II		\$2,179,500

*This appropriation shall be reduced by any available federal funds.

**Heating and cooling equipment and controls, window re-

placement program and related projects affecting the legislative office building and portions of the state house under legislative control to be coordinated by the president of the senate and the speaker of the house. This appropriation shall be reduced by any available federal funds. Of the amount appropriated, \$53,600 shall be amortized from the highway fund.

***Study of the Eagle Hotel shall be made by the office space study committee established by 1970, 29:4, as amended, and the fiscal committee of the general court as established by RSA 14:30-a. Upon receipt of the 2 independent appraisals, said joint committee may authorize an expenditure of up to \$50,000 for an option to purchase said property. The committee shall direct the comptroller to take such action as shall be necessary to implement its decision, within the limits of this appropriation and as otherwise permitted by law. A preliminary report by said joint committee shall be completed not later than October 1, 1977.

III. Aeronautics Commission

A. Keene, Dillant-Hopkins airport

(1) Reconstruct runway 2-20	285,000
Less federal	228,000

Net appropriation paragraph (1)	57,000
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(2) Reconstruct taxiways	160,000
Less federal	128,000

Net appropriation paragraph (2)	32,000
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Net appropriation paragraph A	89,000
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B. Lebanon regional airport

(1) Reconstruct runway 18-36	360,000
Less federal	288,000

Net appropriation paragraph (1)	72,000
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(2) Slurry seal runway 7-25	140,000
Less federal	112,000

Net appropriation paragraph (2)	28,000	
Net appropriation paragraph B		100,000
C. Manchester municipal airport		
(1) Slurry seal runway 17-35	150,000	
Less federal	120,000	
Net appropriation paragraph (1)	30,000	
(2) Construct taxiway parallel to runway 6-24	150,000	
Less federal	120,000	
Net appropriation paragraph (2)	30,000	
Net appropriation paragraph C		60,000
D. Rochester, Skyhaven airport		
(1) Slurry seal runway and taxiway	52,000	
Less federal	41,600	
Net appropriation paragraph D		10,400
E. Concord municipal airport— approach lighting for runway 35	40,000	
Less federal	32,000	
Net appropriation paragraph E		8,000
Total paragraph III		267,400
IV. Education		
A. Berlin voc-tech college		
(1) Machine shop tools	66,000	
(2) Addition to library and classrooms	770,000	
Total paragraph A		836,000
B. N.H. technical institute		
(1) Electronics equipment	75,120	
(2) Snow removal equipment	20,000	
(3) Mechanical and architectural		

equipment	41,000	
(4) Electronic and Mechanical equipment	64,050	
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Total paragraph B		200,170
C. Laconia voc-tech college		
(1) New classrooms and laboratory	1,673,000	
(2) Secretarial laboratory equipment	11,500	
(3) Electronics laboratory equipment	16,500	
(4) Graphic arts equipment	101,500	
(5) Fire protection instructional equipment	17,500	
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Total paragraph C		1,820,000
D. Manchester voc-tech college		
(1) Automotive equipment	29,500	
(2) Metallurgy material equipment	14,200	
(3) Classroom and laboratory addition	3,662,000	
(4) Construction of a metal/ storage facility (Force account)	25,000	
		<hr/>
Total paragraph D		3,730,700
E. Nashua voc-tech college		
(1) Electric-electronics equipment	27,000	
(2) Machine tool equipment	52,000	
(3) Classroom-laboratory addition	1,927,000	
(4) Cafeteria addition	335,000	
		<hr/>
Total paragraph E		2,341,000
F. Portsmouth voc-tech college		
(1) TAPE lathe (machine tool		

equipment	53,000
(2) Automotive equipment	43,600
(3) Drafting equipment	6,000
(4) Plowing and hauling equipment	8,328
(5) Land acquisition and engineering	150,000

Total paragraph F	260,928
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Total paragraph IV	9,188,798
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V. Health and Welfare

A. Glencliff

(1) Elevator replacement	31,000
(2) Turbine replacement	45,500
(3) Reshingle Brown building	14,500

Total paragraph A	91,000
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B. New Hampshire hospital

(1) Construction of a 144 patient facility for the criminally insane at New Hampshire hospital	4,000,000
(2) Boiler replacement	400,000
(3) Food storage cooler	15,000
(4) Rotary baking oven replacement	16,000
(5) Philbrook drive	16,000

Total paragraph B	4,447,000
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C. Laconia state school

(1) Alterations and equipment for Rice and Speare buildings (Force account)	10,000
(2) Renovate outside wiring and fire alarm	41,200
(3) Rotary baking oven	14,500
(4) Replace steamlines—Dwinell and Murphy	38,400
(5) Replace washer-extractor	35,000
(6) Replace heating in Rice	30,000

(7) Meredith Center road bypass	400,000*
(8) Construction of 3 wharves	
(Force Account)	<u>10,000</u>
Total paragraph C	579,100
Total paragraph V	<u>5,117,100</u>

*To be amortized with highway funds.

VI. N.H. Youth Development Center

A. Floor and ceiling replacement in main kitchen	12,000
B. Repairs to swimming pool complex	50,000
C. Residential center for girls—purchase, renovation and equipment	125,000
D. Replacement of underground steam lines	131,000
E. Renovate heating in chapel	30,000

Total Paragraph VI	<u>348,000</u>
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VII. Port Authority

A. Site improvement—grading and paving of parking area near the Barker wharf, Barker wharf repairs and removal of old piles	90,000*
B. Warehousing transit shed—design and working drawings	10,000**

Total Paragraph VII	<u>100,000</u>
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*This appropriation shall not be transferred or used for any other purpose and shall lapse June 30, 1979. The port authority, with the approval of the governor and council, may accept gravel/fill from the Army Corps of Engineers dredge project on the Piscataqua river for use in the Barker wharf area only. No gravel/fill shall be accepted for use in any area inland of the Maine-N. H. interstate bridge nor shall any gravel/fill be ac-

cepted unless it is determined that no toxic material is present in said gravel/fill.

**None of this appropriation shall be expended unless the Portsmouth marine terminal operator agrees, in writing, to renegotiate the guaranteed minimum annual payments, as provided for within its lease with the New Hampshire State Port Authority, on an escalated basis to reflect the value of the new warehouse. The renegotiated guaranteed minimum annual payments shall become due upon substantial completion of the new warehouse.

VIII. Resources and Economic Development

A. Office of commissioner— land acquisition

(1) Miscellaneous land purchases to include but not limited to Appalachian Trail	200,000
Less federal	100,000

Net appropriation	100,000
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(2) Pawtuckaway state park	34,200
Less federal	17,100

Net appropriation	17,100
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(3) Wentworth-Coolidge state historical site	19,800
Less federal	9,900

Net appropriation	9,900
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(4) Administrative costs for land acquisition—appraisals, title work, surveys and taxes	28,222
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Total paragraph A	155,222
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B. Parks and recreation

(1) Echo lake state park	20,000
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Less federal	10,000
Net appropriation paragraph (1)	10,000
(2) Franconia Notch state park	40,000
Less federal	20,000
Net appropriation paragraph (2)	20,000
(3) Berlin wayside and recreation area	20,000
(4) Baker river site No. 7	35,000
Less federal	7,500
Net appropriation paragraph (4)	27,500
(5) Sunapee and Franconia- 2 houses (Force account)	60,000
(6) Fort constitution	50,000
(7) Hampton beach bath houses	50,000
(8) Hampton and Rye: Repair of seawall, jetty and harbor improve- ments	200,000*
(9) Wentworth-Coolidge mansion— Fire and burglary protection system	25,000
Net appropriation paragraph B	462,500

*To be 5 year bonds.

C. Construction, reconstruction, removal or relocation of depart- ment buildings, including but not limited to forestry dis- trict headquarters in Lancaster and Northwood	60,000
D. Economic development- completion of Portsmouth fishing pier	440,000
Less federal	440,000

Net appropriation paragraph D

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E. Print shop-purchase printing and binding equipment	56,000	
Total paragraph VIII		733,722
IX. State Prison		
A. Life and fire safety	50,000	
B. Equipment for prison industries	21,000	
C. Command post	16,000	
D. Security screens	35,000	
E. Vocational training shops	263,000	
F. Halfway house—purchase, renovation and equipment	69,000	
G. Laundry rehabilitation and equipment	35,000	
H. Exercise yard	12,000	
I. Wall repairs	50,000	
J. Farm Expansion	250,000	
K. Boiler—Shea Farm	20,000	
L. Study to include planning, design and engineering for a new or renovated state prison facility on present prison property	1,200,000*	
Less crime commission funds	1,080,000	
Net appropriation		120,000
M. North yard recreational development		20,000
N. Purchase and installation of		
(1) Walk-in refrigerator and		
(1) Walk-in freezer		16,000
Total paragraph IX		977,000

*If crime commission funds are not available then the net appropriation shall lapse. Study of this facility is to be made by a special prison design committee composed of 8 members as follows: 2 senators appointed by the president of the senate, 2 representatives appointed by the speaker of the house, 1 member appointed by the governor, 1 member appointed by the prison board of trustees, 1 member appointed by the gover-

nor's commission on crime and delinquency and the commissioner of public works and highways or his designee. Expenditures from this appropriation shall be authorized by a majority vote of the committee.

X. Department of Safety

A. Garage facility—

Construction and equipment	260,000
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B. Two Safety sub-stations and state police barracks in the areas of Keene and Moultonborough	520,000
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Total paragraph X	780,000*
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*To be amortized with highway funds.

XI. N.H. Water Resources Board

A. Baker river watershed site 7	2,664,640
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Less federal	1,873,000
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Less local	576,646
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Net appropriation paragraph A	214,994
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B. Sugar river watershed

site D-2	1,110,500
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Less federal	1,000,000
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Net appropriation paragraph B	110,500
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C. Souhegan river watershed site

19	1,506,000
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Less federal	1,500,000
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Net appropriation paragraph C	6,000
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Total paragraph XI	331,494*
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*Notwithstanding the provisions of section 12, II and section 13, II of this act, revenues in excess of the estimate may be expended on public law 566 projects, with the approval of governor and council.

XII. Water Supply and Pollution Control Commission

A. Winnepesaukee river basin	5,350,000
Less federal	4,012,500
Less local	267,500
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Net appropriation paragraph A	1,070,000
B. Regional training center	250,000
Less federal	250,000
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Net appropriation paragraph B	-0-
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Total Paragraph XII

1,070,000*

*The sum hereby appropriated shall not lapse or be transferred or used for any other purposes. Any unexpended portions shall be added to the appropriation of the commission in any succeeding fiscal year to be used for the purposes contained herein. Any sums remaining from the previous appropriations for the Winnepesaukee river basin program shall not lapse or be transferred or be used for any other purposes. Such unexpended portions shall be added to the appropriation of the commission in any succeeding fiscal year to be used for the purposes contained herein.

XIII. Public Works and Highways—

Reconstruction of Hazen Drive	600,000*
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*To be amortized with highway funds

XIV. Liquor Commission—

A. Electronic cash registers	500,000*
B. Salem store No. 34-	
Modification of the entrance-exit	
roads to improve traffic flow and	
removal of existing disconnected	
light fixtures	9,800
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Total paragraph XIV

509,800

*Any equipment purchased shall be compatible with existing state owned computer systems.

Total state appropriation section I	\$22,261,414
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2 Appropriation, University of New Hampshire. The sums hereinafter detailed in this section are hereby appropriated for the projects specified, including but not limited to the purchasing, constructing, furnishing and equipping thereof, to the trustees of the university of New Hampshire:

I. University system all campuses

- A. Life safety code and handi-capped study
- B. Land acquisition

	\$140,000
	110,000*

Total paragraph I	\$250,000
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*No purchase of land may be made by the state university system except for those parcels of land that are within the external boundary or perimeter of the existing, applicable state university system campus, that is so called "in holdings".

II. Durham campus

- A. Implementation of energy study
- B. Planning for modifications to athletic facilities to comply with Title IX

	1,374,000
	35,000

Total paragraph II	1,409,000
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III. Keene campus—construction of liberal arts building

	4,950,000
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IV. Plymouth campus

- A. Renovation of Rounds hall
- B. Dining hall expansion

	748,000
	282,000*

Total paragraph IV	1,030,000
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V. New Hampshire Network

- A. Purchase and installation of a

microwave repeater and other electronic equipment and instruments	22,000
B. Purchase and installation of a security fence	3,000
C. Construction of a concrete block building (approximately 10' x 10')	4,000
D. Repaint tower	700
	<hr/>
Total paragraph V	29,700
	<hr/>
Total state appropriation section 2	\$7,668,700
	<hr/>

*30 year bonds to be self-amortizing in accordance with RSA 187:10-a.

3 Appropriation for the restructuring of the Hooksett liquor stores.

I. Construction of Liquor Stores. The liquor commission is hereby authorized and directed to purchase sites and construct 2 liquor stores, one adjacent to the northbound lane and one adjacent to the southbound lane north of the Hooksett toll station on the F.E. Everett Turnpike. The stores are each to be approximately 8,000 square feet in size.

II. Exemption. Neither the provisions of RSA 236:8 nor of RSA 228:4, I shall apply to the construction, design or operation of the facilities provided for in paragraph I of this section.

III. Operation of Stores. Notwithstanding any other provision of law to the contrary, the liquor commission is directed to operate the stores provided for in this section 7 days a week, excepting the following holidays: New Year's, Easter, Thanksgiving and Christmas.

IV. Removal of Temporary Stores. The 2 temporary stores constructed under the provisions of Laws of 1975, 504, VIII shall remain in operation until the stores authorized in paragraph I of this section are opened. Upon discontinuance of said temporary stores, all reusable equipment within the buildings shall be removed by the liquor commission for use in other locations. Remaining usable parts of the two buildings shall

become the property of the department of public works and highways for removal and utilization.

V. Appropriation for Liquor Stores. There is hereby appropriated to the liquor commission for purposes of paragraph I of this act the sum of \$1,500,000 to be expended by them for planning, fees, consultants, land, construction, equipment and any other incidental expenses necessary to carry out the provisions of paragraph I of this section.

VI. Rest Area-Information Center Authorized. The commissioner of the department of public works and highways is authorized and directed to develop plans and award contracts as necessary to establish northbound and southbound restroom and information centers at the location of and in close proximity to the two new liquor stores proposed to be constructed on the F. E. Everett Turnpike approximately 1 mile north of the Hooksett toll booths. The commissioner is further authorized to utilize available balances from the appropriations provided under RSA 256-C:6 for improvements to the Central N.H. Turnpike and for these projects is exempted from the provisions of RSA 228:4 relative to the employment of independent registered professional engineers or consultants.

4 Hampton Liquor Store.

I. Construction of Liquor Store. The liquor commission is hereby authorized to construct and equip one liquor store adjacent to the southbound lane, south of the Hampton toll station, on the Eastern New Hampshire Turnpike—Blue Star Highway. This store is to be approximately 8,000 square feet.

II. Exemption. Neither the provisions of RSA 236:8 nor of RSA 228:4, I shall apply to the construction, design or operation of the facilities provided for in paragraph I of this section.

III. Operation of Stores. Notwithstanding any other provision of law to the contrary, the liquor commission is directed to operate the store provided for in this section 7 days a week, excepting the following holidays: New Year's, Easter, Thanksgiving and Christmas.

IV. Appropriation for Liquor Stores. There is hereby appropriated to the liquor commission for purposes of paragraph I of this section the sum of \$1,000,000 to be expended by them for planning, fees, consultants, land, construction, equipment and any other incidental expenses necessary to carry out the

provisions of section 1 of this act.

5 Central New Hampshire Turnpike Merrimack Interchange.

I. Reclassification of Certain Roads in Merrimack. After the effective date of this act, the 1.28 miles of highway in the town of Merrimack known as Continental boulevard including its extension, beginning at its junction with Amherst road in the vicinity of Interchange No. 8 of the Central New Hampshire Turnpike in Merrimack and running southerly to its junction with Camp Sargent road, when said Continental boulevard has been accepted by the town of Merrimack as a class V highway and the 2.64 mile section of Camp Sargent road from the southerly terminus of Continental boulevard as extended, southerly to its junction with Naticook road, and the section of Naticook road running southerly to New Hampshire route 101-A, are hereby classified as class II highway.

II. Town of Merrimack; Authorization to Appropriate. Notwithstanding the provisions of RSA 31 and any other laws to the contrary, the selectmen of the town of Merrimack are hereby authorized to call a special town meeting and include in the warrant of such meeting an article to provide for an appropriation of town funds and a means of funding to match state funds on a 50-50 basis for the engineering, acquisition of rights of way and construction of a class II highway between Interchange No. 8 and New Hampshire route 101-A, along the Camp Sargent—Naticook road corridor. Such an appropriation and authorized bonds shall be in addition to the town's legal limit of indebtedness.

III. Appropriation. There is hereby appropriated the sum of \$1,100,000 for the purposes of funding the state portion of the funds authorized by paragraph II of this section.

IV. Bond Issue Authorized. For the purpose of providing funds necessary for the appropriation made by paragraph III of this section, the state treasurer is hereby authorized to borrow upon the credit of the state a sum not exceeding \$1,100,000 and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund.

V. Relocation of Existing Toll Plaza. Amend RSA 256-C:2 by inserting after paragraph IV the following new paragraph:

V. Make improvements to the Central New Hampshire turnpike, including, but not limited to, the construction of a new interchange approximately 1-½ miles south of Interchange No. 8 in the town of Merrimack, connector roadways to U.S. route 3 and Camp Sargent road and relocation of the toll plaza southerly to a point in the vicinity of new interchange. Access to the existing Thornton's Ferry interchange shall be maintained for emergency vehicles under conditions prescribed by the commissioner of the department of public works and highways; and the commissioner may also provide for toll access to the turnpike at the existing interchange, if such access is deemed feasible and in the public interest.

VI. Feasibility. Amend RSA 256-C:3 by inserting after paragraph III the following new paragraph:

IV. The engineering, traffic and capacity studies conducted by the department which have established the need for the new interchange, connector roadways and toll plaza on the Central New Hampshire turnpike in the town of Merrimack, shall be considered as the determination of the feasibility.

VII. Commissioner of Public Works and Highway Authorization. Amend RSA 256-C:4, II (b) (supp) as inserted by 1971, 520:1 by inserting in line 2 after the word "statute" the following (or by donations, approved by governor and council) so that said subparagraph as amended shall read as follows:

(b) Acquire in the name of the state by purchase or by exercise of the right of condemnation as provided by statute or by donation, approved by governor and council such lands, property, rights, easements and interests as may be deemed necessary for carrying out the provisions of this chapter.

VIII. Merrimack Interchange. Amend RSA 256-C:6 (supp) as inserted by 1971, 520:1 as amended by inserting after the numerals "1,700,000" the following:

Construction of a new
Merrimack interchange,
connector roads and toll plaza

Sixteen million dollars

(\$16,000,000)

IX. Borrowing Power Increased. Amend RSA 256-C:7 (supp) as inserted by 1971, 520:1 as amended by striking out in line 4 the words and numerals "ninety-one million, two hundred thousand dollars (\$91,200,000)" and inserting in place thereof the following (one hundred seven million, two hundred thousand dollars (\$107,200,000)) so that said section as amended shall read as follows:

256-C:7 Borrowing Power. For the purpose of providing funds necessary for the appropriations made by RSA 256-C:6, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding one hundred seven million, two hundred thousand dollars (\$107,200,000) and for the purpose may issue bonds and notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A; provided that the bonds may mature up to 30 years from their dates of issue and may be made redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The interest on bond anticipation notes may be funded by the issue of bonds to the extent of the applicable bond authorization and, to the extent not so funded, may be paid from any source from which interest on the anticipated bonds could be paid, including any of the turnpike reserve accounts identified in RSA 256-C:14.

6 Expenditures, General. The appropriation made for the purposes mentioned in sections 1, 3 and 4 and the sums available for those projects, shall be expanded by the trustees, commission, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts for projects and plans and specifications therefor shall be awarded in accordance with RSA 228.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4 and 5 except such land, if any, as may be acquired under the appropriation for the water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, V and 4,

IV of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$32,430,114 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 1, subparagraph VIII,B, (8) of this act shall have a maturity date of 5 years from the date of issue.

9 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2, 3 and 4 shall be made when due from the general funds of the state; provided, however, that the payment of principal and interest on bonds issued for \$53,600 of the projects in section 1, paragraph II, B, the project in section 1, paragraph V, C, (7), and all of the projects in section 1, paragraphs X and XIII shall be made from the highway fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of section 2.

11 Transfers. The individual project appropriations, as provided in sections 1, 2, 3 and 4 shall not be transferred or expended for any other purposes; provided, however, that the governor and council may transfer any balance estimated to be available upon completion of an individual project to other projects within the same section.

12 Reduction of Appropriation and Bonding Authority.

I. If the net appropriation of state funds for any project provided for by sections 1, 2, 3 and 4 is determined on the basis of an estimate of anticipated federal, local or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor each shall be reduced by the same proportion as the proportion by which federal, local or other funds are reduced. the Amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

II. If any federal, local or other funds, not anticipated, become available for any project for in sections 1, 2, 3 and 4 they are hereby appropriated and the net appropriation of state funds and the amount of bonding authorized by section 8 shall be reduced by an amount equal to the federal, local or other funds available.

13 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3 and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

14 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. Availability of Appropriation. The appropriations made in section 2 are available for all costs incidental to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the

services of architects, engineers, and other consultants of such kind and capacity as the university board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines, and include the cost of furnishing and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the university board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder.

IV. Rejection of All Bids. The board of trustees of the university has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

15 Appropriation Extended. The appropriation made to the New Hampshire water resources board by 1971, 559:1,X; 1973, 417:2; 1974, 38:1, XII, and 1974, 38:13 for the specified capital expenditures shall be available for expenditure until June 30, 1979.

16 Amending the 1975 Capital Budget. Appropriation for Water Resources Board. Amend 1975, 504:1, XII (a) by striking out said subparagraph and inserting in place thereof the following:

(a) Dam engineering and reconstruction

- | | |
|----------------------|----------|
| (1) Suncook lake | \$52,200 |
| (2) Mendums pond | 45,240 |
| (3) Seaver reservoir | 37,120 |
| (4) Bow lake | 11,160 |
| (5) Great pond | 29,000 |

Total Subparagraph (a)

\$174,720*

*This appropriation shall not lapse until June 30, 1979.

II. Concord Store Addition Repealed. Laws of 1975, 504:1, VIII (c), relative to the Concord store addition, is hereby repealed.

III. Change of Bond Authorization. Amend 1975 504:7 as amended by 1976, 37:2 and 53:4 by striking out said section and inserting in place thereof the following:

504:7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2 and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$28,000,566 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 1, subparagraph IX, (d), (e) and (f), subparagraph X, (d)-(7), (8) and (10), paragraph XVI, and section 3 (furnishings and equipment) of this act shall have a maturity date of 5 years from date of issue; the project detailed in subparagraph VIII, (a) shall be financed by a 4 year note; and the bonds issued for the purposes of section 3 (construction) of this act shall have a maturity date of 30 years from the date of issue.

17 Project Description Changed. Amend 1976, 55:4, III by striking out said paragraph and inserting in place thereof the following:

III. Pleasant View Home

Furnishings	\$400,000
Fire and security protection and other necessary renovations or repairs, including architects and engineering fees	370,000

18 Appropriations Extended.

I. Amend 1971, 359:1, VII, (1), (b) as amended by 1974, 38:16, II by striking out said subparagraph and inserting in place thereof the following:

(b) Berlin wayside and recreation area	\$15,000*
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*This appropriation shall not lapse until June 30, 1979.

II. Amend 1975, 504:1, X, (d), (5) by striking out said subparagraph and inserting in place thereof the following:

(5) Berlin wayside and recreation

area

\$35,000*

*This appropriation shall not lapse until June 30, 1979.

19 Exemption for Contract of Certain Departments. Amend RSA 228:4, I-a (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I-a. Notwithstanding the provisions of paragraph I, projects for the fish and game department, the department of resources and economic development and the water resources board in excess of \$10,000 and not more than \$100,000, may be done on a force account basis upon recommendation of the commissioner of the department of public works and highways that such procedure is in the best interest of the state and with the approval of the governor and council.

20 Effective Date. This act shall take effect July 1, 1977.

Conferees on the Part of the Senate: Sens. William E. Sanborn, Dist. 17; Stephen W. Smith, Dist. 3; John H. McLaughlin, Dist. 13.

Conferees on the Part of the House: Reps. Ruth L. Griffin, Rock. 19; Charles E. Cummings, Rock. 7, Chairman; James J. White, Hills. 27; Ralph C. Maynard, Rock. 18.

Sen. Sanborn moved to adopt the committee of conference report on HB 1191.

Sen. SANBORN: Mr. President, so that you get the headline on the federal budget at this time, the total of goodies in there is \$61,591,880. Of this, \$11,440,900 are federal funds. Other local funds amount to \$844,146. You will find the local funds are local matches for water resource and water pollution control projects. There are \$2,933,600 of highway funds. There is \$16,282,000 in other bonds. \$16 million of those other bonds are turnpike bonds and \$282,000 other bonds are university self-amortizing bonds. Meaning that from general funds there are \$30,091,234. I think the weather today bids us to look

carefully at page 2. There are no changes prior to that. Under roman numeral 2, item b. There is an increase of not quite $\frac{1}{2}$ million in this item. If you look at the note that goes along of what this does in item b, the last four lines are the most applicable. So that everybody understands them that is to design, purchase an installation of a steam absorption air conditioning system for the Empire State House. If this goes through those that may come back in the next session won't be bothered by fans in the windows and hot air and mosquitos at night. Basically, this document is the same as the one was presented to the senate a few weeks ago. Those are the two primary items. The committee of conference had a long and detailed argument on it and in fact about Monday night it looked to me like we weren't going to have a capital budget. But after getting a night's sleep Monday night, coming back Tuesday morning, we kind of cooled off a little bit and as has been said many times on this floor, we compromised. Each side gave a little and we ended up with a \$4 million dollar forensic unit. In case anybody is worried about this remember that under the bonding for new construction the governor and council has the final approval so there is still a check to be sure for what we will get for a forensic unit. This is the same thing, the second building at the Merrimack Valley is no long there. However the the big game as reported a couple of weeks ago is the voc-tech colleges throughout the state. There are three new buildings and two additions. The voc-tech college in Berlin has an addition. The college at Laconia has a new building. The college at Manchester has a new building and the college in Nashua has a new building, an addition to the cafeteria. All of these items in education field were the top priority items of either the university system or the board of education. I'll try to answer any questions if anybody has any.

Sen. TROWBRIDGE: I would just like to state that I know of the difficulties under which the committee has been working and that I support the committee of conference report. I want to complement the members of that com-

mittee for having done an excellent job. I hope we can do as well on ours.

Sen. BERGERON: Mr. President, I would also like to commend the committee of conference. I think they labored hard and long and tried to put something together and I complement them for that but I rise in opposition to the capital budget. Before we go any further I want you to understand number one that I do know the difference between a capital and an operating budget. I also know that when you fund something or you bond something, you have to pay it back. I think in certain instances some of our priorities are misdirected and I can only cite a few examples. Demolition of buildings for \$57,000, purchase of the Eagle hotel, \$50,000, roadside rest areas up in the north country, toilet facilities at a liquor store, this is all well and good. But I think the question that I have to ask is what are we doing as far as services for the people that pay the bills around here. I know that we have been working hard for one little item for Strafford county. Certain people in their wisdom have decided that we shouldn't have that. We shouldn't have that because somebody has the audacity to vote against a certain bill. I simply maintain this Mr. President, that we get all kinds of money for all kinds of rest areas, to hold appropriations reduced of the amount appropriated \$53,600 shall be amortized on the highway fund. We have money in the highway fund to provide some of the services to the people of the state of New Hampshire which we can't have but we can have rest side areas for people passing through so they can stop and buy our liquor. I think our priorities are misdirected and on the basis of what I see here and in all deference and I respect every member of the committee of conference but I intend to vote against the capital budget and the operating budget unless I see some changes here.

Sen. DOWNING: Senator Sanborn there were alternate plans discussed at least in the press to, that \$16 million bonding for that interchange in Merrimack. Did your conferees consider anything alternate to that at all?

Sen. SANBORN: The \$16 million bond that show there

and that portion of the capital budget is an exact reproduction of the bill that was presented and passed in this senate by Senator Gardner.

Sen. DOWNING: Was there any consideration of the alternate proposals?

Sen. SANBORN: Outside of what the press said, no one appeared before the committee of conference and offered any alternate proposals.

Sen. LAMONTAGNE: I wonder Mr. President, if you could put into the record how we stand on SB 85 which did not meet the deadline of last Thursday at 5:00 o'clock as was agreed by both houses. I would like to know how a committee of conference, could be asked at this time and discharging of the committee.

The CHAIR: The chair will state that it was agreed upon that if conference reports had not been signed by 5:00 o'clock on last Friday or a letter of intent had not been given to legislative services the only way that the conference can be brought before the body would be under suspension of the rules, it would require a 2/3rds vote.

Sen. LAMONTAGNE: Then how could the committee of conference be discharged when no letters have been signed by any members of the conferees on SB 85?

The CHAIR: The chair will state the motion was offered Senator, the chair accepted the motion, it was a duly made motion and for further clarification the chair ruled for the record that for that report to be made at the present time or at a future hour it would have to meet with the agreement that had been reached or it would have to be brought in under the suspension of rules.

Sen. LAMONTAGNE: Mr. President could the record show that I have questioned the chair on the legality, on the discharge of the committee of conference of SB 85 when there were no letters of intent and at the same time the conferees, there were three members who did not sign by the 5:00 o'clock deadline.

The CHAIR: The chair will state if that is the case Senator then the only way that the conference report on

SB 85 could be made or accepted would be under the suspension of the rules, it will require a 2/3rds vote.

Sen. FENNELLY: Mr. President if a conference committee members were present when all agreed to sign the bill, on a committee of conference report of a week and a half ago, would it be the chair's decision that that committee of conference report was still alive if the majority of the committee and the majority of the Senators here thought that SB 85 and the house members thought it had been still alive. And now we find it isn't. Would it be the chair's decision to render a decision on that, saying that it would still be alive?

The CHAIR: The chair will state that it would not be alive since the rules require all the Senators to sign.

Adopted. (Sen. Bergeron, Downing, Keeney voted in opposition)

Sen Monier spoke under rule No. 44.

Sen. MONIER: This morning I was quite disturbed to learn on the radio that an area that I had been working in for three or four years was being used in and played ball with in the committee of conference on the operating budget. So when I came here today I looked back at a few things and I went to the legislative budget assistant to look at public documents to that effect and I would like to just make a statement if I may. It was brought to my attention from several sources that several items in the deliberations revolving around the operational budget particular reference is being made here in the comprehensive health planning, that subjective evaluations of persons including speculation of employment, individual qualifications and that these kinds of factors, even though they are speculative, and in my opinion deliberately planned, were the basis of certain kinds of budgetary considerations dealing with this matter. For example comprehensive planning and amendment made by my myself on this floor to the budget bill and voted on by the members of this senate, which accepted that amendment, has

gone through another method of change in the committee of conference with much of the consideration revolving around who will fill particular positions rather than the merits or the needs of the state. Let me publicly state here for the record and once again, so there can be no additional pretense on the part of any clique, that is insisting on having their way with respect to individuals through guise, or pretense of job descriptions that one, I have never sought the position of state comprehensive planner, I have never considered it and I would under no circumstances ever accept it and I'll add for anybody who wants to know, that if I wanted it I probably could have had it. I don't want it. Period. And that I personally believe that this particular viewpoint has been expressed for the purpose of raising false issues. Probably to accomplish more hidden and meaningful purposes. I think it is time that the committee of conference on important matters of budgeting, meet federal laws such as the public law 93 which is comprehensive health planning, stop playing this kind of political game, stop paying off political supporters by looking after their petty concerns and objectively look at a budget rather than using their positions to determine certain conditions that are primary interest only to a selected few. And in verification Mr. President, I would just like to quote to this senate the original HB 602 which incidentally was a subject of debate on June 9th of our third day of June 9th, according to the journal, between Senator Trowbriddge and I when I offered the amendment. That original bill that comes over states as follows on page 2: There shall be a direct of the office who shall be a classified state employee . . . That was the original bill as put in by the house. The version that came to the senate on page 2 and I again quote: There shall be a director of the office who shall be an unclassified state employee. In short, I stress that the house had already made that change. What we now have however in the budget under the amendment that was offered is the original, that the director shall be classified employee. We debated this on this floor one time and I will refer you to Senate Journal 9, June, 77, page 962 in which it starts and runs

to the next page, but Senator Monier moved a further amendment to HB 1000, amend section 1. In there we added the budget of HB 602 which had been voted on and kept in committee, my committee, and I defended that action to Senator Trowbridge in the record. In here the director is under a salary current expenses and was not indicated as a classified employee. I make this point because as I said, it was brought to my attention. This amendment was made in the committee of conference on the basis of a flag being waved once again, that a Thomson appointee might get it. My name was not mentioned except in the halls not in the record of course. So I repeat once again. I don't want it, I wouldn't take it if it was offered to me and I would be very sorry for the poor person who already has it. It is a miserable mess. I don't like my name and my reputation being used as an example as to why we have to change something. I think there are other more important things to be done in a committee of conference than that. If that is the kind of petty payoffs that we are paying with then I suggest that we are going to have some real serious problems with that budget.

Recess to the call of the Chair at 2:20 p.m. on June 20, 1977.

Out of Recess.

Sen. Jacobson in the chair.

ENROLLED BILL AMENDMENTS

HB 433, to create and provide police powers for the security forces at certain state institutions.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 433

Amend section 2 of the bill by striking out line 2 and inserting in place thereof the following:

after section 30-a the following new sections:

Amend RSA 126-A:30-c, I as inserted by section 2 of the bill by striking out line 3 and inserting in place thereof the following:

RSA 126-A:30-b - 30-d and all security officers who have not become permanent

Amend RSA 126-A:30-c, II as inserted by section 2 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

II. For employees hired subsequent to the effective date of RSA 126-A:30-b - 30-d and those security officers who have not become permanent employees

Amend RSA 126-A:30-c, III as inserted by section 2 of the bill by striking out line 2 and inserting in place thereof the following:

the effective date of RSA 126-A:30-b - 30-d shall not be required to meet

Amend RSA 100-A:1, VII-a as inserted by section 6 of the bill by striking out line 2 and inserting in place thereof the following:

no security officer appointed pursuant to RSA 8:30-a, RSA 126-A:30-b, RSA

Amend section 2 of the bill by renumbering RSA 126-A:30-a, 30-b and 30-c to read as

RSA 126-A:30-b, 126-A:30-c and RSA 126-A:30-d, respectively.

Sen. LAMONTAGNE: This amendment renumbers a section inserted in RSA 126a and corrects the gross reference.

Amendment adopted.

HB 419, specifying procedures for the sale and fitting of hearing aids and requiring the registration of hearing aid dealers.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 419

Amend section 2 of the bill by striking out lines 1-4 and inserting in place thereof the following:

2 New Chapter. Amend RSA by inserting after chapter 137-E the following new chapter:

CHAPTER 137-F Hearing Aids

Amend section 2 of the bill by renumbering the original sections 137-D:1-20 to read as

137-F:1, 137-F:2, 137-F:3, 137-F:4, 137-F:5, 137-F:6, 137-F:7, 137-F:8, 137-F:9, 137-F:10, 137-F:11, 137-F:12, 137-F:13, 137-F:14, 137-F:15, 137-F:16, 137-F:17, 137-F:18, 137-F:19, and 137-F:20, respectively.

Amend RSA 137-F:4 as inserted by section 2 of the bill by striking out line 8 and inserting in place thereof the following:

dispensing; one, otolaryngologist, who may not be a hearing aid dealer; and one

Amend RSA 137-F:5, III as inserted by section 2 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

grounds listed in RSA 137-F:9, and conducting hearings

regarding the denial, suspension, revocation and renewal of certificates as provided in RSA 137-F:16.

Amend RSA 137-F:5, VI as inserted by section 2 of the bill by striking out line 3 and inserting in place thereof the following:

conducting competency examinations for applicants under RSA 137-F:3.

Amend RSA 137-F:6 as inserted by section 2 of the bill by striking out line one and inserting in place thereof the following:

137-F:6 Issuance of Certificate. Except as provided in RSA 137-F:9, the

Amend RSA 137-F:7 as inserted by section 2 of the bill by striking out line 8 and inserting in place thereof the following:

director shall issue a duplicate certificate upon proof of facts and payment of

Amend RSA 137-F:9, I(d) as inserted by section 2 of the bill by striking out line 3 and inserting in place thereof the following:

contained in RSA 137-F:14;

Amend RSA 137-F:11, I(g) as inserted by section 2 of the bill by striking out line 2 and inserting in place thereof the following:

ment of the 30-day money-back guarantee required under RSA 137-F:13;

Amend RSA 137-F:13 as inserted by section 2 of the

bill by striking out lines one and 2 and inserting in place thereof the following:

137-F:13 Return of Hearing Aid; Cancellation Fee. No hearing aid shall be sold to any person unless accompanied by

Amend section 3 of the bill by striking out line 4 and inserting in place thereof the following:

program provided for in RSA 137-F, as inserted by section 2 of this act, so

Amend section 3 of the bill by striking out line 6 and inserting in place thereof the following:

this state can be registered in accordance with RSA 137-F on the effective

Sen. LAMONTAGNE: This amendment changes a chapter number of the newly inserted chapter to reflect earlier enactments and corrects grammatical errors.

Amendment adopted.

HB 750, permitting the appointment of an assistant county attorney for the county of Rockingham.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 750

Amend section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

inserting after section 33-c the following new section:

7:33-d Assistant Attorney. There may be an assistant county attorney

Sen. LAMONTAGNE: This amendment renumbers a sections of the RSA because of prior enactments in this session.

Amendment adopted.

HB 559, relative to the reorganization of the New Hampshire transportation authority and prohibiting the removal of railroad track related structures.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 559

Amend RSA 21-E:3 as inserted by section 1 of the bill by striking out lines one and 2 and inserting in place thereof the following:

21-E:3 Definitions. As used in this chapter, the following terms shall have the following meanings:

Amend section 3 of the bill by striking out line 7 and inserting in place thereof the following:

transportation authority established by RSA 21-D.

Amend section 8 of the bill by striking out line 5 and inserting in place thereof the following:

any railroad track, tie, switch, or diamond or any track related structure, except

Amend section 8 of the bill by striking out line 12 and inserting in place thereof the following:

consistent with the public good, and may by order forbid the proposed action.

Amendment adopted.

SB 180, improving the manner of creating and maintaining condominiums and providing for full disclosure in condominium sales.

Sen. Lamontagne for the committee.

Enrolled Amendment to SB 180

Amend RSA 356-B:3, II as inserted by section 1 of the bill by striking out line one and inserting in place thereof the following:

II. "Common area" or "common areas" means all portions of the condominium other

Amend RSA 356-B:3, XVIII as inserted by section 1 of the bill by striking out lines 2 through 5 and inserting in place thereof the following:

not modified by the word "undivided," include without limitation any fee simple interest, leasehold interest for a term of more than 5 years, life estate and, for the purposes of this subdivision and subdivision IV, Administration and Enforcement, time sharing interest.

Amend RSA 356-B:3, XXI as inserted by section 1 of the bill by striking out line 10 and inserting in place thereof the following:

paragraph, nor shall any such provision be a part of any ancillary

Amend RSA 356-B:3, XXXI as inserted by section 1 of the bill by striking out line 7 and inserting in place thereof the following:

meaning of this paragraph. If value is stated in terms of dollars, that

Amend RSA 356-B:51, III as inserted by section 1 of

the bill by striking out line 4 and inserting in place thereof the following:

RSA 356-B:52, I, a copy of an effective statement of record, a property report,

Amendment adopted.

HB 537, relative to licensing pet shops and certain animal shelters.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to HB 537

Amend section 3 of the bill by striking out line 9 and inserting in place thereof the following:

an S.P.C.A. facility as defined by RSA 443-A:1-a, IV, an annual fee of \$10.

Amend section 3 of the bill by striking out line 13 and inserting in place thereof the following:

renewal fee as required pursuant to subparagraphs I(a) or (b) of this section.

Sen. LAMONTAGNE: This amendment corrects a section in the RSA which is required and corrects an error in two subparagraphs.

Amendment adopted.

SB 276, concerning the penalties for using unapproved insurance policy forms.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to **SB 276**

Amend section 1 of the bill by striking out lines 1-4 and inserting in place thereof the following:

1 Prior Approval of Insurance Policy Forms. Amend RSA 412:2 by striking out said section and inserting in place thereof the following:

Sen. LAMONTAGNE: This amendment corrects an error in the amending language in section 1 of the bill.

Amendment adopted.

SB 335, to finance a study of graphic arts and making an appropriation therefor.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 335**

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the establishment of a division of graphic services and making an appropriation therefor.

Amend RSA 8:54, V, as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

V. Arrange that all photocopiers shall be held under the control of the

Amend section 8 of the bill by striking out the same and inserting in place thereof the following:

8 Appropriation. The sum of \$35,000 is appropriated for the fiscal year ending June 30, 1978 and the sum of \$48,000 is appropriated for the fiscal year ending June 30, 1979 to the department of administration and control, di-

vision of graphic services. The governor is authorized to draw his warrant for said sums out of any money in the general fund not otherwise appropriated. The comptroller shall establish budget allocations against these appropriations.

Amend section 9 of the bill by striking out same and inserting in place thereof the following:

9 Effective Date. Sections 1 through 7 of this act shall take effect January 1, 1978, except RSA 8:52, relative to the appointment of the director of the division of graphic services, which shall take effect July 1, 1977. Section 8 of this act shall take effect July 1, 1977.

Sen. LAMONTAGNE: Mr. President, members of the senate, this amendment changes the title of the bill to correctly reflect the substantive sections of the bill, corrects some spelling errors in the appropriations section by inserting language authorizing the governor to draw his warrant for the same appropriation from the general fund and changes the effective date to appropriations with the start of the fiscal year.

Amendment adopted.

SB 337, relative to family day care.

Sen. Lamontagne for the committee.

Enrolled Amendment to **SB 337**

Amend section 1 of the bill by striking out lines 1 through 7 and inserting in place thereof the following:

1 Exceptions Expanded. Amend RSA 170-E:2 (supp) as inserted by 1975, 471:2 as amended by striking out said section and inserting in place thereof the following:

Amend RSA 170-E:2, as inserted by section 1 of the

bill, by striking out line 14 and inserting in place thereof the following:

comply with the provisions of this chapter and be licensed. The provisions of this chapter do not apply: to families housing exchange students; to families caring for children taken from urban areas and given some vacation time in New Hampshire if such family is not caring for more than 4 of such children whether such children are related to each other or not; to non-resident families visiting the state for purposes of a vacation who have in their care foster children from their home state and have written approval of the out of state agency which supervises the foster children.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect 60 days after its passage.

Sen. LAMONTAGNE: Mr. President, members of the senate, this amendment brings a provision of this bill into line with 1977 218:-1 and changes the effective date section to reflect an earlier change in the bill by an amendment.

Amendment adopted.

SB 48, forbidding entertainers less than 16 years of age from working in places where liquor or beverage is sold.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to **SB 48**

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

forbidding entertainers less than 17 years of age from working in places where liquor or beverage is sold.

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Persons Under 17 Years. Amend RSA 175:8-d, I (supp) as inserted by 1971,

Sen. LAMONTAGNE: This amendment conforms to the title of section heading to the substance of the bill.

Amendment adopted.

HB 968, eliminating the 5 year requirement for reassessment of property held by a municipality for water supply or flood control purposes.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to HB 968

Amend section 1 of the bill by striking out lines 2 through 5 and inserting in place thereof the following:

439:3 as amended by striking out said section and inserting in place thereof the following:

Amend RSA 71-A:31 as inserted by section 1 of the bill by striking out lines 9 and 10 and inserting in place thereof the following:

ment of revenue administration for collection.

Sen. LAMONTAGNE: This amendment corrects an error in the amending language and deletes the cause in the section that will be deleted by 1977:300-1 senate bill 33.

Amendment adopted.

SB 265, concerning the selection and exemption of jurors.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to SB 265

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT
concerning the selection of jurors.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Town Lists. Amend RSA 500-A:2, (supp) as inserted by 1971, 456:10 by striking out in line one the word "May" and inserting in place thereof the following (April) so that said section as amended shall read as follows:

500-A:2 Town Lists. The selectmen shall annually in April make a list in duplicate of such men and women, including their address, as they judge eligible to serve as jurors. One list shall be delivered to the clerk of superior court not later than the first Monday in June, the other list shall be retained by the town or city clerk. Provided, however, that any woman who has care of one, or more children under the age of 12 years shall, if she so desires be exempt from jury duty.

4 Effective Date. This act shall take effect 60 days after its passage.

Sen. LAMONTAGNE: This amendment changes the title of the amendment to conform to the substance of the bill. The other amendment is a required because of RSA 5008-5 as amended by this bill requires a list be done in April and not May and RSA 500-2 is directly related to this section.

Amendment adopted.

SB 253, relative to the examination, certification and registration of arborists and making an appropriation therefor.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to **SB 253**

Amend RSA 222:12 as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated to the division of

Amend the bill by renumbering the original section 2 to read as 3

Sen. LAMONTAGNE: Mr. President, this amendment removes the appropriation from the RSA and renumbers it as a lost section. The effective date is renumbered.

Amendment adopted.

SB 105, relative to registration fees for certain foreign non-profit corporations doing business with the state.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to **SB 105**

Amend the introductory paragraph of RSA 300:3 as inserted by section 1 of the bill by striking out line 16 and inserting in place thereof the following:

registration fee provided in RSA 292:5; and shall continuously maintain in this

Sen. LAMONTAGNE: This amendment corrects an error in the punctuation and inserts omitted words.

Amendment adopted.

HB 1091, relative to overseas citizens' voting rights.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to HB 1091

Amend RSA 55-A:2 as inserted by section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

vision of law, any United States citizen of the age provided for in Article II of Part First of the Constitution of New Hampshire who resides outside the

Amend RSA 60:2, V as inserted by section 3 of the bill by striking out lines 6 through 14 and inserting in place thereof the following:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the city or town of New Hampshire, in Ward, that I will be absent on election day from said city or town, and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed and that I personally marked the within ballot and enclosed and sealed it in this envelope.

(Signature).....

Sen. LAMONTAGNE: This amendment corrects a reference and brings the certification statement with the HB 140 previously passed by both houses.

Amendment adopted.

INTRODUCTION OF GUESTS

VETO MESSAGES

Sen. Hancock moved that the veto message regarding **SB 113** be taken from the table.

Adopted.

Sen. Hancock moved the following question.

“Shall **SB 113**, providing for a master plan for state land use in the city of Concord, pass notwithstanding the governor’s veto?”

Sen. HANCOCK: Mr. President, members of the senate, SB113 is a bill that I think is extremely important to the decision-making process relative to the location, expansion and use of state facilities in the city of Concord and certainly to the future land use plan which the state may have for a location for building facilities. SB 113 has had four hearings, it has passed both the senate and the house. To the best of my recollection the only dissenting vote on that was registered by Senator Monier as a matter of record after the senate’s vote. It is a bill which I think has certainly not been controversial and in fact one with which most legislators have recognized as a necessity if we are going to facilitate our planning process with any degree of intelligence. It authorizes the study space committee to prepare a master plan for the location of state facilities within the city of Concord through the year 2000. It doesn’t pretend to take into consideration those lands and facilities outside the city of Concord. The budget setup for this purpose would not allow that. It has been agreed to by the city of Concord that they will contribute services up to 15,000 thousand dollars and I am sure that by the time we get through with the necessary work that that contribution will have been in excess of \$15,000. The governor spoke in his message of its being an intrusion on the executive—I fail to think that that is a good reason. We have had a state capital city planning board since 1965 and no governor including Governor

Thomson has seen fit to fund that committee to carry out the work that is necessary. The office space study committee which has been set up in operation since 1970 is perfectly capable of carrying on the job of making the plan in conjunction with the city officials and then presenting to the governor and to the executive department any provisions for building or use of land which it may in its wisdom evolve. Certainly there are representatives from the executive committee on the office space study committee. The governor has a representative, the controller is on the committee as is the commissioner of public works and highways. I think that this is a bill that does credit to the intelligence of the legislature and I think it is one which we should support. Certainly if there had been, I know that this body supported it by 23 to 1 vote and I hope certainly that you will help me override the veto.

Sen. TROWBRIDGE: I would just like to support Senator Hancock and remind the senate that the monies involved here come from the bond issue that was already authorized by the legislature. It isn't new facilities and that there is some question in my mind since I am chairman of the office space study committee, some question as to whether we can't do this anyhow even without the bill. So I don't think that we are intruding upon the governor's prerogatives if the legislature decides that it wants to know just as much as the city of Concord what we are going to do for buildings and plans around the statehouse and the statehouse area. One of our biggest problems that we had this session was where are we going to put people and what are the rentals and all of that. From a financial point-of-view, certainly the senate and the house should know what they are facing in the future in terms of long-range planning for their own facilities. The only difference here in SB 113 is that we do it with consultants and with the city of Concord helping out rather than doing it separately. So as chairman of that committee we would have to make a study of where we were going to go anyhow. Regardless of SB 113 or the veto.

Sen. BROWN: In relation to the capital budget two

years ago Senator that you just spoke of, you and I worked together, the original appropriation or the intent of the original request as I remember was around \$1.5 million, was it not, outside of the city limits of Concord, is that not correct. And you and I worked with the governor's office and brought it down from 100 for strictly planning. My question to you is has anybody in committee done anything along this line?

Sen. TROWBRIDGE: At this point the amount that was there I don't think anybody has done anything on the Concord or environs side. I believe I wasn't chairman the last two years so I can't say why that wasn't followed up on. I would certainly say to you that it would be my intent that if SB 113 doesn't come into effect that we go ahead with what we had authorization for before, that is what I am saying.

Sen. BROWN: You are saying that the mechanisms, the appropriations, and everything is in the 75 capital budget to do just what the bill wants to do?

Sen. TROWBRIDGE: Well there is one thing that it doesn't do though. Senator Hancock I am sure will correct me that that was supposedly looking for a new state complex and I don't think that anybody really got too hepped up about moving a lot of complexes to Boscawen, I think that is why SB 113 is better serving us because it gets the city of Concord to supply the data base for the committee whereas under the old thing, the 75 one, we don't have any way of telling the city of Concord to help out. That is why I would prefer this to the other.

Sen. DOWNING: Mr. President I would just like to rise in support of the motion by Senator Hancock. I think everything is pretty clearly explained on this commission sheet that was given out. Unless some of those statements can be disproven or an error found, I would expect that we would support our position.

Sen. MONIER: Just so we understand the motion, it is one that we don't frequently utilize. If one is in favor of overriding the veto then you would vote yes, am I correct?

The CHAIR: If you are in favor of overriding the veto you would answer I.

Sen. MONIER: And if you were opposed or you wished to sustain the veto you would vote nay.

The CHAIR: If you wish to sustain the veto of the governor of SB 113 you would vote no.

Sen. Hancock requested a roll call. Seconded by Sen. Blaisdell.

The following Senators voted yea: Smith Bradley, Saggiotes, Blaisdell, Trowbridge, Keeney, Hancock, Healy, Bossie, Fennelly, Downing, Preston, Foley.

The following Senators voted nay: Lamontagne, Poulsen, Gardner, Bergeron, Monier, Rock, McLaughlin, Sanborn, Provost, Brown.

13 yeas 10 nays

Motion failed by 2/3 majority. VETO sustained.

Sen. Keeney moved that the veto message regarding SB 158 be taken from the table.

Adopted.

Sen. Keeney moved the following question: "Shall SB 158, relative to closing of state liquor stores on Christmas Eve and New Year's Eve, pass notwithstanding the governor's veto?"

Sen. KEENEY: The major objection in the governor's veto message to SB 158 was the feeling that it was an unbusinesslike intrusion into the affairs of the liquor commission. If sponsoring legislation at the request of a constituent is an unbusinesslike action then I think we all should be guilty. I feel that is why we are here and in making a judgment into the businesslike activities of any state agency we are also for that purpose. I think the unbusinesslike action took place last December before I

came here with you and before I happened to meet the constituent. The action was taken by the liquor commission prior to last Christmas eve and I don't recall at what specific date it was but I do recall reading in the paper that suddenly never having done it before that some liquor stores were going to be required to stay open past their regular hours on Christmas eve and on New Year's eve because the state needed extra money. Presumably, according to the governor's veto message the money which was taken in on those two evenings was around \$95,000. I understand that that was the gross but that is the figure that you hear quoted. It does not take into consideration the cost of running those few stores and paying the personnel and the possibility that the same sales might have taken place without their having been open those few extra hours. I feel that presenting SB 158 was not an unbusinesslike intrusion, many other bills which have been presented here have proposed shaking whole commissions, have proposed eliminating employees and adding employees due to budget changes just like pegs in a pegboard. This is a simple request that one need not have to work unless it is an emergency on those two holidays during the year.

Sen. BERGERON: Senator is it not true that what we are being told is that the legislature is interfering in the operation of a state agency?

Sen. KEENEY: It is my understanding that we are being told we have no right to set a policy for a state agency.

Sen. BERGERON: Senator, in your opinion of course, you are familiar with my bill which I presented and was locked up in committee, that I also was interfering with the operation of a state agency?

Sen. KEENEY: I testified in favor of your bill.

Sen. BERGERON: I realize that Senator. My question is doesn't it seem somewhat incongruous to you that yesterday we listened to chatter about our budgets and within the budget we were interfering with the operation of the state liquor stores and as far as working on Sundays, and there was a nice agreement worked out because

other people were in favor of this one but were not in favor of our original intent. Does it not seem somewhat incongruous that it depends upon who wants what as to whether or not they get it?

Sen. KEENEY: Presumably the capital budget will be vetoed because there is a policy statement in that and it sets hours for liquor stores to be open and presumably the operating budget, if it also says that, will be vetoed as well.

Roll call vote. The following Senators voted yea: Smith, Bradley, Bergeron, Blaisdell, Trowbridge, Keeney, Hancock, Healy, Provost, Bossie, Fennelly, Downing, Preston, Foley.

The following Senators voted nay: Lamontagne, Poulsen, Gardner, Saggiotes, Monier, Rock, McLaughlin, Sanborn, Brown.

14 yeas 9 nays

Motion failed by 2/3 majority. Veto sustained.

Sen. Bradley moved that the veto message regarding **SB 196** be taken from the table.

Adopted.

Sen. Bradley moved the following question "shall **SB 196**, repealing the requirement that prescription drugs be kept in their original container, pass notwithstanding the governor's veto?"

Sen. BRADLEY: Mr. President I introduced this bill after I received a letter from a superior court judge, Judge Laughlin who wrote me about a case that he had just sat on. Last week I had a case involvin six indictments in which a 100% disabled war veteran who had four or five various medications had put most of them in one container. Thank God for the wisdom of our jury system and they found him not guilty on each and every

indictment. The other bad feature of this statute is that it is a class B felony. And he goes on to say how he instructed the jury on same and probably stretched the point in instructing the jury a little bit. He then states that he thinks the statute should be changed to show that the defendant had prior knowledge that he is violating the law as the statute pertains to possessing one or more drugs in one container it might be a good idea to abrogate it entirely. I read the thing and thought about it, without doing a lot of investigating, put the bill in which would repeal this law. There is this law on the books that says you have to keep any controlled prescription drug in the original container and if you don't, it is a class B felony. A class B felony, maximum sentence, 3½ to 7 years. Serious business. I got thinking about, who hasn't violated this statute. Every one woman who has a pill box and puts her medications and prescriptions in the pill box when she goes on a trip is a felon. Everybody who has a blue and a red pill that they are supposed to take every two hours and combines them into one container is a felon. I put the bill in and it went through without opposition. I didn't go around lobbying for it, in fact I think I missed both hearings on the bill when it went before committee. But what evidence there was was favorable to it. I did receive some interesting input after I put the bill in. The local pharmacist from Mary Hitchcock called me up on it, he has some title in the state association and said, how come you are putting that in. I never realized there was such a law. We all violate it all the time and the people around here don't know it and it is a darn good thing to get it off the books. That is where I was on the thing. After it passes both houses somebody supposedly in drug enforcement somewhere, decides and gets to the Governor explaining to him why it should be vetoed. Now the basis of the veto as I understand the message and I have talked with Mr. Sweeney about it and we received some input from him as well, boils down basically to two things. Now to me they don't really wash. Now maybe you will decide they do and if they do wash you ought to sustain the veto. The first one goes to the

point that it is a good idea for everyone to keep their drugs in the original container because for example, if you are found in a state of overdose in your home or something, the police could go through your pockets and find out what the overdose was and therefore know how to treat you better. Good point. Or, drugs shouldn't be mixed because you might take the wrong one. You might forget which one or sometimes drugs might lose their effectiveness and so it is a good policy not to mix them. I guess I would accept that. Now the difficulty that I have with that point is that we have no notice to the world about this law, there is nothing when you get a little box or bottle from the drugstore saying that you will be guilty of a class B felony if you take your pills out of this thing. What I really think is the point is that I go back to the motorcycle helmet law. What people want to do to protect themselves one way or the other is up to them. If they don't want to wear motorcycle helmets even though they may be damn fools for not doing so, that is their business. I think the same thing can be said for where you keep your medication. If you have your medications lawfully under a prescription whether you keep them in your container or not because you think it is more convenient, that should be up to you. It shouldn't be a matter of a criminal law to enforce something which may be good for your health. The other point of the veto message is that somehow this is going to disrupt drug enforcement. Apparently there are people, Mr. Sweeney tells me there has been something like 5 or 6 cases a year prosecuted on this. I don't know any of the details of these cases, he just described that to me. I have tried to go through my mind as to why you need this kind of statute to enforce the drug law. We already have laws against unlawful possession, unlawful sale, unlawful dispensing. If somebody has drugs that they shouldn't have whatever container they are in, it is already a crime. If the police stop somebody and they are searched and they find that someone has some drugs, some medications, they can require them to produce the records of the prescription. That can be traced back. So if somebody has got unlaw-

ful drugs it seems to me there is already plenty of law on the book. Just in terms of general criminal law, I don't think it is a good idea to have a criminal statute for something particularly a felony, for something that probably everybody has violated at one time or another. If we haven't, someone in our family has. No one would really suspect as criminal or antisocial to do it. I can't really believe is all that essential. On that basis I think we ought to override the veto. If in fact there is some kind of need here for encouraging people to keep their drugs in original containers then I think the burden ought to be on the people who are saying that, either the pharmacists, the druggists or law enforcement to come in with a sensible proposal as to what we ought to do. Perhaps there ought to be a requirement written on every container. I don't object to obtaining those kinds of goals but it does seem to me that we identified here a bad law. A law which is out of line with what any of us would think is just for the criminal justice system and we have at least in the case that Judge Laughlin indicated to us a pretty good instance where the law was not enforced with any common sense. Well that is a response, well the police will not enforce this bad law in a bad way. That is a saving grace for many of these laws because after all our police will use their heads. Well, I think this is exhibit A. They didn't. The police or county attorney or whoever was responsible for this took it all the way to a jury trial. In a situation where the judge and I find it quite outrageous. I think the way to do it is to take the statute off the books and let the people who want some kind of law in this area come in with something that is sensible and workable.

Sen. BOSSIE: Senator it sounds to me as if the tail is wagging the dog again. That we have a department of safety that is determining the policy of the state and should be determined by the state legislature. Do you agree with that?

Sen. BRADLEY: Absolutely.

Sen. BOSSIE: Isn't it true that if this bill or if the veto is sustained that it is the intention of the Senate by doing

that, to inform our state police in every instance, that when they arrest somebody and go through their purses or pockets and find a pill box in there that these people should be arrested and indicted for a class B felony because they have violated the pill law?

Sen. BRADLEY: That's right. It is worse than that. If the pill box is not the original container and there is only one drug in it, it is a class B felony. In further response to that, there are plenty of associations besides the helmet law. Another association is the chain law. A few years ago the state police and the attorney general of this state, I think it was Attorney General Souter, whom I went to personally on it said this is a ridiculous law. You shouldn't be enforcing this chain law against people who have even stronger than chains. But yet my people up in my area were getting arrested every day for not complying with this law. The attorney general's answer to this was if you have a bad law on the books don't expect law enforcement to make decisions like that. We are going to enforce the laws as you guys pass it and the best way to get rid of an unreasonable law is its strict enforcement well Senator Bossie I think that is what we are saying now to the police here is this law you better go out and enforce it. Every time you find somebody with pills in the wrong box, indict them. Send them away for 7 years.

Sen. HANCOCK: Senator Bradley, this little pill box contains a number of items. I wonder if you will examine it and tell me if I am subject to arrest?

Sen. BRADLEY: Yes, If those are prescription drugs, yes.

Sen. SANBORN: To go a little further with what Senator Bossie asked Senator, do I understand that like Senator Hancock, if somebody is going somewhere overnight and takes a few of those pills and puts it in their pocket in a small box, not in the original container, that they are subject to a class B felony?

Sen. BRADLEY: That is the present law.

Sen. SAGGIOTES: Senator, I have a couple of pills here that I just pulled out of my pocket. Suppose these

were prescription drugs, are you saying that if I voted to sustain the governor's veto and I walked out of this room I could be arrested on a felony charge?

Sen. BRADLEY: That's right.

Sen. SMITH: Mr. President I rise in support of Senator Bradley's motion. For several years I have had to take some pills for high blood pressure. I think the senate probably gives it to me. Every morning I take a red, white and blue pill. Every evening I take a red, white and blue pill. Therefore I consider myself patriotic. But these pills come in those foolish little bottles. I have a terrible time getting those caps off so finally one day I said this is foolishness opening those three bottles twice a day so I put them in one container. It is very easy to do. Take those pills, sift them out sort by color and I have done this for two years. I confess as Senator Hancock has, to being a class B felon. I hope that the Senate will vote to override another stupid piece of legislation.

Sen. BOSSIE: Senator- I just want to ask a question about these mechanical little things that are intended to protect children. Have you taken lead from your former president, President Nixon, he used to chew off the covers, why don't you try that?

Sen. MONIER: Senator Bradley, I am not going to bring my pill box out for two reasons. One is that I am going to be the only Senator that is going to be able to walk out of here because I am going to dump it in the wastebbox, but if it is true that all these senators have these, would you mind calling a recess so I can get Sweeney down here and we won't have any more problems. In all seriousness. Let me ask two questions. We have used the word dangerous drugs, we have used the term prescribed drugs and we have used the term controlled drugs I think in our debate only. Is there a difference in this law between any prescribed drugs, a dangerous drug or a controlled drug?

Sen. BRADLEY: The section of the statute that it would repeal it says: an individual to whom or for whom any controlled drug has been prescribed, sold or dispensed . . . may lawfully possess it only in the container

to which it was delivered to him by the person selling or dispensing the same. Now a controlled drug is defined as. . . It may be that there are things that get prescribed that aren't controlled drugs.

Sen. MONIER: Am I correct that all prescribed drugs are not necessarily controlled drugs?

Sen. BRADLEY: I think that is the case. I don't know which ones are which to be technical, I think it gets into some rather technical stuff. I see the definition of controlled drugs is about a page long.

Sen. MONIER: My point was to clarify something. That is that while we have generally said they are all prescribed drugs and we have therefore implied that they are all under this law, this is not correct?

Sen. BRADLEY: That is correct. For example, alcohol, nicotine, and caffeine are specifically excluded. I think basically it has to have something which either stimulates, depresses, hallucinates, it has to do something like this, and there are probably some that don't do that. I don't know what the dividing line is. It seems to me that that is part of the problem, is when you get the thing prescribed, you don't know whether it is a controlled drug on the statute or not.

Sen. MONIER: I just want to clarify that then I am going to keep my bottle in my pocket cause I do know that it is not a controlled drug. Is it not correct that the controlled drug act, those that are controlled and under a felony situation are drugs that are addictive?

Sen. BRADLEY: I am not sure that that is always the case. My assumption is that it isn't only addictive drugs but again, I don't purport to be technically proficient in that area.

Sen. MONIER: If it is an addictive drug and it is not defined, might I then ask when we are going to get some legislation that will define this so that you wouldn't have this kind of a silly bill or situation. We are talking about a controlled drug, an addictive drug or something that would be used by drug pushers, are we not?

Sen. BRADLEY: I am pretty sure that this is much broader than what drug pushers would deal in. It would

deal in the pain killing area to a large extent, the valium—tranquilizing area, stimulants, in that area. I don't know. I don't think that is central to the point. It is a good point but since we don't know and since a lot of prescription drugs are controlled drugs the basic point I tried to make is still a valid one.

Sen. Trowbridge moved the previous question.
Adopted.

Roll call vote: The following Senators voted yea: Smith Bradley, Bergeron, Saggiotes, Monier, Blaisdell, Trowbridge, McLaughlin, Keeney, Hancock, Healy, Sanborn, Provost, Brown, Bossie, Fennelly, Downing, Preston, Foley.

The following senators voted nay: Poulsen, Gardner, Rock.

19 yeas 3 nays

Adopted by requisite 2/3 majority.

Sen. Monier in the chair.

INTRODUCTION OF SENATE RESOLUTION No. 11

Senate Resolution No. 11

relative to studying the need for an industrial revenue bond marketing commission.

Whereas, it is desirable to attract new industry to our state and thereby provide jobs for our citizens; and

Whereas, there is a need to attract capital for investment in revenue bonds issued to finance industrial facilities within the state; and

Whereas, there is a need to increase the marketability of such bonds in order to promote the development of industry within the state; and

Whereas, certain representatives of the banking industry have presented us with a draft of an act establishing an industrial development revenue bond marketing commission; and

Whereas, it is imperative that such proposed legislation be given complete and careful consideration; now, therefore, be it

Resolved by the Senate:

That the draft of the proposed legislation presented to us by the banking industry relative to establishing an industrial development revenue bond marketing commission be studied during the interim between the regular sessions of the general court in 1977 and 1979 by the senate committee on administrative affairs.

Sen. Jacobson moved to adopt SR No. 11

Sen. JACOBSON: Some weeks ago, I was approached to introduce a bill to establish an industrial revenue bond marketing commission. However, when asked about this and I further inquired, they did not want the bill to pass. They wanted to introduce a bill to be studied over the next two years and reviewed and then introduced in the 79 session. However I suggested that instead of introducing the bill and the cost of printing the bill and doing all of the other paraphernalia that is required to introduce a bill I would introduce a senate resolution authorizing the committee on administrative affairs to study this proposed legislation which I have a copy here which if the resolution passes would be given to the committee on administrative affairs. This way there is no significant cost involved at the moment. The committee could study the proposal and make its recommendations to the 1979 legislature.

Sen. DOWNING: Mr. President, I would like to rise in support of the resolution as offered by Senator Jacobson. It was my intention to cosponsor the bill which he referred to earlier and the thing just never got done. The resolution accomplishes it at far less cost and I would support it.

Sen. HEALY: Senator if this should materialize and we did have a commission would this not be good material for public relations purposes to entice firms to come over to the State of New Hampshire?

Sen. JACOBSON: I presume that one of the results, if this piece of legislation were to be adopted by the legislature in the 79 session, that would be one of the potentials therein with regards to industry and businesses coming in.

Adopted.

Sen. Jacobson in the chair.

ENROLLED BILLS REPORT

SB 4, establishing a board of claims for the state and making an appropriation therefor.

SB 6, providing for a power of attorney which survives disability or incompetence of the principal.

SB 26, authorizing state employee's participation in the present incentive award program for selling sweepstakes tickets.

SB 70, relative to the appointment and duties of the New Hampshire retirement system trustees.

SB 71, providing for state assistance to persons suffering from hemophilia.

SB 81, relative to the penalty of wilful trespass involving forest product.

SB 114, authorizing the inclusion of dog races in sweepstakes and drawings conducted by the sweepstakes commission and making an appropriation therefor.

SB 294, establishing minimum standards for energy conservation in public buildings.

SB 173, establishing the New Hampshire municipal bond bank as a public body corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns and districts.

SB 206, relative to the salary of an unclassified employee as it relates to the salary of a subordinate classified or unclassified employee.

SB 282, relative to vehicles transporting construction

equipment and relative to exempting out of state vehicles from a user's license until July 1, 1979.

SB 315, relative to mobile home foundations.

SB 321, establishing the office of state negotiations.

SB 369, authorizing the town of Littleton to exceed its bonded indebtedness to cover present indebtedness of the Littleton water and light department.

HB 187, repealing the penalty provision of the mobile home park law.

HB 223, requiring all lobbyists to wear a name tag when lobbying in the state house or the legislative office building.

HB 543, relative to mining and the reclamation of mined lands and making an appropriation therefor.

HB 567, relative to the New Hampshire retirement system cost of living increases.

HB 676, relative to prejudgment attachments.

HB 741, establishing a study committee to determine financing methods and requirements for the decommissioning of nuclear power facilities.

HB 760, relative to the management of fund and authorizing the trustees of the New Hampshire retirement system to delegate the power to make investment decisions.

HB 844, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver.

HB 1155, relative to the conveyance of property acquired by a town or city at a tax sale.

HB 1172, relative to the filing dates for candidates in the primary for any elective office.

HB 1194, concerning collecting sewer charges in municipalities with over 80,000 population.

CACR 13, RELATING TO: Legislative Districts.
PROVIDING THAT: A Town, Ward, or Place may by Referendum Request that the Legislature Divide it into Two or more Representative or Senatorial Districts.

Sen. Lamontagne for the committee.

Sen. Monier spoke under rule No. 44.

Sen. MONIER: Mr. President I would just like to take a minute to have something on the record. I see all our fourth media has left. I was very disturbed to watch clapping and the glee with which the override of a governor's veto was reached by this senate and accepted by the senate. I think that means very simply, that there was an urgent need of some people to feel that they had beaten the governor once just to prove a point. I voted against that bill for the same reason that I voted for the others, I thought it was a bad veto. Now other people may clap and think they have accomplished something because they finally have overridden a veto. I don't think that is the reason that we ought to be in here at all. I think it was very unnecessary and I personally resented it. Thank you Mr. President.

Sen. Downing spoke under rule No. 44.

Sen. DOWNING: Relating to actions that this body takes with respect to veto messages, I was particularly disappointed that we did not override the veto on SB 158 which would have dealt permanently with the opening of the liquor stores on Christmas and New Year's eve. I would just like to call to our attention, using the vehicle of the liquor commission, that the majority of this legislature does not want those stores open on those holidays. The house made it very plain last year, I think in passing the resolution that they adopted very early in the session, the house and senate have both passed a bill here which the governor has vetoed. Now the votes that take place here on vetoes are not necessarily representative of individual convictions. Sometimes they are and other times there are other things that contribute to the decision they make on how they vote on this. One thing ought to be clear, and it is clearly in the record, that the legislature that the majority of the legislature, does not want those stores open. If the liquor commission embarks on such a path of bad judgment again, I put them on notice now,

that I personally will lead the clamor for their resignation. Those stores are not to be open on those holidays and if they are they are going to have a whole new problem on their hands and I will use the nucleus of this legislature to bring it down around their heads.

Recess.

Out of Recess.

Sen. Sanborn in the chair.

ENROLLED BILLS AMENDMENTS

HB 858, correcting errors, omissions and inconsistencies in the RSA and session laws and conforming existing law to the criminal code.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 858

Amend section 8 of the bill by striking out line 3 and inserting in place thereof the following:

466:37 Official Neglect. Any city or town officer who refuses or

Amend the bill by striking out sections 3 and 36 and renumbering sections 4 through 56 to read as

3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42
43 44 45 46 47 48 49 50 51 52 53 and 54 respectively.

Sen. BERGERON: Mr. President, this amendment corrects a typographical error and removes two sections of the bill already enacted into law by legislation passed earlier in the session.

Amendment adopted.

HB 629, altering gross weight and axle distribution limits for 5 axle trucks; providing for an increase in registration fees; and limiting vehicle loads to the rated capacity as determined by the manufacturer.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 629

Amend section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

1 Gross Weight Increased. Amend RSA 263:61, VIII-a as inserted by 1963, 189:1 by striking out said paragraph and inserting in place thereof the following:

Sen. BERGERON: Mr. President this amendment corrects a source error in the amending language of section 1.

1.

Sen. ROCK: Senator Bergeron as I heard the clerk read the correction it said it corrected the gross weight of vehicle to match the manufacturer's rating of the vehicle. Is that right?

Sen. BERGERON: The only thing I have is that the amendment corrects a source error which could tie in to your question.

Sen. ROCK: I thought you said more than that.

Sen. BERGERON: Senator Fennelly was talking on his way over to see you.

Sen. ROCK: Could you read the enrolled bills committee report again.

Sen. ROCK: Would you tell us what the source error is.

Sen. BERGERON: I can't help you there.

The CHAIR: The clerk has the original amendment, we will have a one minute recess to help clarify the situation.

Amendment adopted.

HB 616, increasing certain fees charged by state agencies.

Sen. Bergeron for the committee.

Sen. BERGERON: Mr. President this amendment corrects a typographical error , corrects errors in the amendments and statutory sites and removes those sections of the bill which have already been acted into law by legislation which has been passed earlier this session.

Sen. Downing moved to lay the Enrolled Bill Amendment on the table.

Adopted.

HB 229, amending certain provisions of the statutes relative to OHRVs.

Sen. Bergeron for the committee.

Enrolled Amendment to HB 229

Amend RSA 269-C:6, VI as inserted by section 5 of the bill by striking out said paragraph and inserting in place thereof the following:

VI. No person shall operate an OHRV within the limits of any railroad right-of-way where the rails are still intact unless otherwise posted or upon any airport runway or landing field, or within cemeteries, except in an emergency pursuant to the provisions of RSA 269-C:7, VII. Any person violating the provisions of this paragraph shall be guilty of a misdemeanor.

Amend RSA 269-C:6-a, V and VI as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

V. No person shall operate a snow traveling vehicle within the limits of any railroad right-of-way where the rails are still intact unless otherwise posted except in an

emergency pursuant to the provisions of RSA 269:7, VII; provided, however, a snow traveling vehicle may be driven upon the right-of-way of any railroad for a crossing of the tracks at their intersection with an authorized trail, road or highway where a snow traveling vehicle is not otherwise prohibited. Any person violating the provisions of this paragraph shall be guilty of a misdemeanor.

VI. No person shall operate a snow traveling vehicle upon any airport runway or landing field, or within cemeteries, except in an emergency pursuant to the provisions of RSA 269-C:7, VII. Any person violating the provisions of this paragraph shall be guilty of a misdemeanor.

Amend section 7 of the bill by striking out lines 3 and 4 and inserting in place thereof the following:

1973, 560:1 as amended by striking out said section and inserting in place thereof the following:

Sen. BERGERON: Mr. President, the first two amendments incorporate the provisions of HB 720 passed earlier this session into the provisions of the new paragraphs inserted for 5 and 6 of the bill. The third amendment corrects amending language of the bill.

Amendment adopted.

HB 96, increasing the appropriation for regional vocational education centers; and relative to transportation costs for new regional vocational centers.

Sen. Bergeron for the committee.

Enrolled Bills Amendment to HB 96

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the appropriation for regional vocational education centers.

Amend the bill by striking out section 2 and renumbering section 3 to read as 2.

Sen. BERGERON: Mr. President the title is amended to conform with the substance of the bill. The second section of the bill was stricken from the bill because RSA 188-E9 as finally adopted in the bill is identical to the present law. Because section 2 is stricken the effective date is renumbered.

Amendment adopted.

HB 129, exempting certain persons from prosecution relative to exposing minors to harmful material or obscenity.

Sen. Bergeron for the committee.

Enrolled Bills Amendment to HB 129

Amend RSA 571-B:4 as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

or any other public library as defined under RSA 41:21 and RSA 202-A:2, I,

Amend RSA 650:3, II as inserted by section 2 of the bill by striking out line 4 and inserting in place thereof the following:

library as defined under RSA 41:21 and RSA 202-A:2, I, or any member of a school

Sen. BERGERON: Mr. President these amendments correct an incorrect citation.

Amendment adopted.

HB 542, relative to a state-wide solid waste management program.

Sen. Bergeron for the committee.

Enrolled Bills Amendment to HB 542

Amend RSA 147:45, IV as inserted by section 2 of the bill by striking out lines 4 through 6 and inserting in place thereof the following:

pletion of the plan, and upon approval by the governor, the governor shall be responsible for submitting it to the responsible federal official for approval under Public Law 94-580. The state plan shall:

Sen. BERGERON: Mr. President, this amendment makes a grammatical correction to the sentence.

Amendment adopted.

HB 1128, relative to the support of dependent children.

Sen. Bergeron for the committee.

Enrolled Bills Amendment to HB 1128

Amend RSA 161-C:10, III(a) as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

(a) A release or waiver signed by the director has been delivered

Amend RSA 161-C:12, IX as inserted by section 1 of the bill by striking out line 7 and inserting in place thereof the following:

resulting from said delivery.

Amend RSA 161-C:13, III as inserted by section 1 of the bill by striking out line 11 and inserting in place thereof the following:

acquired by the division, shall be first applied by the director to pay

Sen. BERGERON: Mr. President these amendments correct a typographical error, two errors in converting the law of another state to state law.

Amendment adopted.

HB 1141, establishing a New Hampshire right to privacy act.

Sen. Bergeron for the committee.

Enrolled Bills Amendment to HB 1141

Amend RSA 359-C:6, II as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

financial or credit records indicating a possible violation of law which such agency

Sen. BERGERON: Mr. President this amendment corrects a typing error by which the word credit was omitted.

Amendment adopted.

HB 1156, relative to the property tax lien for the elderly and disabled.

Sen. Bergeron for the committee.

Enrolled Bills Amendment to HB 1156

Amend RSA 72:38-a, VI as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

VI. The selectmen or assessors shall file notice of the lien with the registry of

Sen. BERGERON: Mr. President this amendment makes the paragraph consistent with section 2 of the bill which bests administrative functions.

Amendment adopted.

HOUSE ACCEDES TO REQUEST FOR A NEW
COMMITTEE
OF CONFERENCE

SB 85, relative to the authority to levy tolls on the eastern New Hampshire turnpike, the central New Hampshire turnpike, and the New Hampshire turnpike system.

The Speaker has appointed Reps. Keller, James J. White, Cummings, and Griffin.

ENROLLED BILLS REPORT

HB 57, relative to security deposits of tenants of residential premises.

HB 207, relative to hunting with bow and arrow.

HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor and relative to the licensing of accountants.

HB 366, requiring results of third reading votes be included as part of questions proposing constitutional amendments.

HB 469, increasing the minimum age for purchase, sale

and consumption of alcoholic beverages off-premises.

HB 586, to provide for the licensing and regulation of plumbers and making an appropriation therefor.

HB 609, establishing public guardian officers and relative to professional guardians.

HB 627, prohibiting certain advertising and expenditures by electric and gas utilities.

HB 687, amending certain statutes relative to vital statistics.

HB 799, including divorce among the events that are reportable to the registrar of vital statistics.

HB 803, relative to insuring the proper disclosure of information from vital records.

HB 836, relative to taxation of residence in industrial or commercial zones.

SB 83, relative to wild turkeys.

SB 269, relative to school committee elections in the city of Manchester.

SB 334, relative to the transfer of the Manchester and Nashua policemen to the New Hampshire retirement system and making an appropriation therefor.

HB 228, imposing an additional one cent tax on motor fuel and fuel other than motor fuel, dedicating 95 percent of the revenue to towns and cities, and relative to the construction of the Spaulding turnpike extension and making an appropriation therefor.

HB 286, relative to the appointment and qualifications of the fish and game commission and providing for the appointment and removal of the executive director of the fish and game department.

HB 529, relative to reimbursing victims of violent crimes.

HB 601, providing cost of living increases for all members of the New Hampshire retirement system and relative to the state share of the normal contributions for non state employee members of the New Hampshire retirement system, the firemen's retirement system and the policemen's retirement system.

HB 670, relative to counting ballots at elections and

disqualifying certain officials from working at polling places.

HB 756, relative to filling certain vacancies in the membership of a planning board, permitting any elected planning board to appoint 3 alternates, and the acceptance of petitions by planning boards.

HB 845, revising the access to public records law (RSA 91-A).

HB 856, relative to the inspection of used motor vehicles offered for sale by retail dealers.

HB 876, relative to prior service credit of group I members of the retirement system.

HB 1064, relative to listing all exemptions on the annual inventory form.

HB 1126, relative to the New Hampshire retirement system and the state employees' retirement system of New Hampshire.

SB 40, repealing certain provisions currently included on tangible property inventory blanks.

SB 101, relative to allowable uses of written reports filed after an accident and relative to restoration of licenses to certain drivers.

SB 149, protecting the welfare of certain adults by providing protective services.

SB 167, relative to the assignment of wages of employees of the state and political subdivision thereof, and relative to the assignment, attachment and execution of benefits under the New Hampshire and policemen's retirement systems.

SB 171, relative to fill and dredge and certain minor wharves and piers in wetlands.

SB 174, relative to placing a neglected child under the supervision of the director of the division of welfare.

SB 181, amending certain provisions of the land sales full disclosure act.

SB 249, relative to the definition of rule in the administrative procedures act.

SB 288, relative to nursing home administrators.

SB 289, relative to the issuance of licenses to operators of golf, indoor tennis, racquet and curling clubs.

SB 307, relative to deceased funeral directors.

SB 324, requiring an annual financial statement from a person, association or corporation conducting horse or dog races or meets.

SB 366, establishing a 7 member oversight committee to recodify the election laws and making an appropriation therefor.

Sen. Lamontagne for the committee.

Sen. Downing moved that the Enrolled Bill Amendment to HB 616, increasing certain fees charged by state agencies, be taken from the table.

Adopted.

Enrolled Amendment to HB 616

Amend section 6 of the bill by striking out line 2 and inserting in place thereof the following:

amended by striking out in lines 6 and 7 the words "Five hundred dollars" and,

Amend RSA 310:20 as inserted by section 37 of the bill by striking out line 12 and inserting in place thereof the following:

fee for non resident architect licensed to practice architecture in another

Amend RSA 188-C:2, I as inserted by section 45 of the bill by striking out line 18 and inserting in place thereof the following:

yearly.

Amend RSA 188-C:2, I as inserted by section 45 of the bill by striking out lines 10 and 11 and inserting in place thereof the following:

issued to any institution which has not posted a perform-

ance bond of \$5000 with the state board of education. If an institution

Amend RSA 249-A:3 as inserted by section 50 of the bill by striking out line 3 and inserting in place thereof the following:

such devices described in RSA 249-A:5, III, IV and V without

Amend RSA 249-A:3 as inserted by section 50 of the bill by striking out line 17 and inserting in place thereof the following:

vided in RSA 249-A:9. All fees collected hereunder shall be deposited in

Amend RSA 249-A:4 as inserted by section 51 of the bill by striking out line 2 and inserting in place thereof the following:

in RSA 249-A:5, III, IV and V shall be erected or maintained

Amend RSA 249-A:4 as inserted by section 51 of the bill by striking out line 22 and inserting in place thereof the following:

renewal of a permit shall be granted except as provided in RSA 249-A:9, and

Amend RSA 375-A:18, I(a) as inserted by section 53 of the bill by striking out line 2 and inserting in place thereof the following:

a certificate is issued pursuant to RSA 375-A:2, \$25;

Amend RSA 375-A:18, I(b) as inserted by section 53 of the bill by striking out line 2 and inserting in place thereof the following:

certificate is issued pursuant to RSA 375-A:3, \$50;

Amend RSA 375-B:20, I(a) as inserted by section 54 of the bill by striking out line 2 and inserting in place thereof the following:

pursuant to RSA 375-B:4, \$25.

Amend RSA 375-B:20, I(b) as inserted by section 54 of the bill by striking out line 2 and inserting in place thereof the following:

pursuant to RSA 375-B:5 or 7, \$50.

Amend RSA 375-B:20, II(c) as inserted by section 54 of the bill by striking out line 2 and inserting in place thereof the following:

of a common or contract carrier of property, \$1.

Amend RSA 376:25, I as inserted by section 55 of the bill by striking out line 2 and inserting in place thereof the following:

for which a certificate or permit is issued pursuant to RSA 376:4 or 7, \$2;

Amend RSA 376:25, II as inserted by section 55 of the bill by striking out line 2 and inserting in place thereof the following:

for which a certificate or permit is issued pursuant to RSA 376:5 or 8, \$25;

Amend RSA 78:2 as inserted by section 58 of the bill by striking out line 4 and inserting in place thereof the following:

uing to engage therein. Each wholesale, sub-job and retail outlet shall have

Amend section 72 of the bill by striking out line 1 and inserting in place thereof the following:

72 Alcohol Identification Card. Amend RSA 181:35 (supp) as inserted by 1965,

Amend section 74 of the bill by striking out line 1 and inserting in place thereof the following:

74 Ballrooms. Amend RSA 178:7-a (supp) as inserted by 1971, 366:1 by striking

Amend RSA 178:7-a as inserted by section 74 of the bill by striking out line 6 and inserting in place thereof the following:

licensee. Such "live entertainment" shall consist of not less than 3

Amend RSA 178:8-f as inserted by section 78 of the bill by striking out line 3 and inserting in place thereof the following:

RSA 178:8-b through 8-f. The fee for a permit issued pursuant to RSA 178:

Amend RSA 422:37, X as inserted by section 79 by striking out lines 2 and 3 of said paragraph and inserting in place thereof the following:

aeronautical activities and plans contemplated by RSA 422:8, by RSA 422:20, and RSA 424:3, the expense

Amend RSA 324:3 as inserted by section 97 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

shall upon receipt of the application and fee required in RSA 324:2 issue a license to said applicant. A livestock dealer shall keep a

Amend RSA 438:6 as inserted by section 100 by striking out line 5 and inserting in place thereof the following:

RSA 149-D.

Amend the bill by striking out sections 12, 23, 34, 41, 46, 70, 81, 83, 87, 93, 95 and 101 and renumbering sections 13 through 113 to read as

12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, and 101, respectively.

Amendment adopted.

HOUSE SUSTAINS GOVERNOR'S VETO

SB 196, repealing the requirement that prescription drugs be kept in their original container.

Recess.

Out of Recess.

ENROLLED BILLS AMENDMENTS

HB 167, relative to legal voters changing party affiliation and the posting of checklists.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 167.

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to legal voters changing party registration, the posting of checklists, and party organization.

Sen. LAMONTAGNE: Mr. President, this amendment makes the title reflect the content of the bill.

Amendment adopted.

HB 218, renaming the bureau of off-highway recreational vehicles and establishing an additional responsibility for the bureau.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 218

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

renaming the supervisor of the bureau of off-highway recreational vehicles and establishing an OHRV fund.

Sen. LAMONTAGNE: This amendment makes the title of the act conform to the substance.

Amendment adopted.

HB 460, amending the formula for computing the elderly and expanded elderly real estate tax exemptions and providing additional notice of available tax relief.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 460

Amend section 6 of the bill by striking out line 1 and inserting in place thereof the following:

6 Notice on Inventory Form. Amend RSA 74:4 by inserting after paragraph

Sen. LAMONTAGNE: Mr. President, this is a good bill. The amendment corrects an error in the amending bill.

Amendment adopted.

HB 779, relative to guardianship of residents of Laconia state school.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to HB 779

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to guardianship of children and incompetent persons placed in a residential setting at Laconia state school or elsewhere.

Sen. LAMONTAGNE: Mr. President, this amendment makes the title of the bill conform to the substance.

Amendment adopted.

HB 1134, making the person chargeable by law for a child's support and necessities primarily liable for the expenses of a neglected or delinquent child or person in need of supervision.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to HB 1134

Amend RSA 169:7, I as inserted by section 1 of the bill

by striking out line 2 and inserting in place thereof the following:

the child in charge, or in the custody or supervision of the director of the division of wel-

Amend RSA 169:7 as inserted by section 1 of the bill by inserting after paragraph IV the following:

V. Any child placed under paragraph I or II with someone other than a relative or in a public institution shall be placed only in a facility, foster home, group home, or similar home or facility that is licensed pursuant to RSA 170-E.

Amend section 10 of the bill by striking out same and inserting in place thereof the following:

10 Effective Date. This act shall take effect 70 days after its passage.

Sen. LAMONTAGNE: This amendment incorporates the changes made in SB 174 passed earlier in this session. The second amendment adds the paragraph previously enacted by HB 61. The third amendment the effective date assures that there will be no conflict with the provisions of HB 787 passed earlier in this session.

Amendment adopted.

ENROLLED BILLS REPORT

HB 161, permitting licensees to promote the sale of alcoholic beverages at reduced prices.

HB 275, relative to the membership of the legislative utility consumers' council and expanding the council's jurisdiction.

HB 316, relative to the exemption period for subdivision plat approval.

HB 419, specifying procedures for the sale and fitting

of hearing aids and requiring the registration of hearing aid dealers.

HB 433, to create and provide police powers for the security forces at certain state institutions.

HB 455, relative to a special decal on motor vehicle number plates for a person with a walking disability.

HB 457, redefining the term "motor vehicle" in the motor vehicle laws.

HB 559, relative to the reorganization of the New Hampshire transportation authority and prohibiting the removal of railroad track related structures.

HB 750, permitting the appointment of an assistant county attorney for the county of Rockingham.

HB 787, relative to mental health evaluations of minors before the juvenile court.

HB 1030, concerning neglected and delinquent children and persons in need of supervision.

HB 1124, relative to replacing the governor's committee on employment of the handicapped with the governor's commission for the handicapped.

SB 180, improving the manner of creating and maintaining condominiums and providing for full disclosure in condominium sales.

Sen. Lamontagne for the committee.

COMMITTEE OF CONFERENCE REPORT

Committee of Conference Report on HB 536

The committee of conference to which was referred House Bill No. 536, An Act relating to the business profits tax rate, deductions and method of distribution, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new

amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Distribution of Increase in Revenues to Cities and Towns. Amend RSA 77-A by inserting after section 19 the following new section:

77-A:20 Distribution of Increase in Revenue. The commission of revenue administration shall determine the additional amounts of revenue produced by an increase of one percent in the rate of tax imposed by RSA 77-A:2 for each fiscal year, and shall certify such amounts to the state treasurer by October 1 of that year for distribution pursuant to RSA 31-A:4.

6 Distributing Revenue on Equalized Formula. Amend RSA 31-A:4 (supp) as inserted by 1970, 5:16 as amended by striking out said section and inserting in place thereof the following:

31-A:4 Determination of Amounts Returnable in Subsequent Years. The state treasurer shall determine the amount of revenue returnable to each city and town in each year subsequent to 1978 by increasing the aggregate amount returned to the cities and towns pursuant to this chapter, excluding revenues derived from RSA 77-A:20, in the preceding year by 5 percent. This sum shall be added to the amounts of revenue certified to the state treasurer pursuant to RSA 77-A:20. These amounts shall be distributed to the cities and towns according to an equalized formula calculated by taking for each city and town the amount of local property taxes assessed, including current distributions of state revenues to local government, exclusive of educational funds; dividing that sum by the local equalized valuation as determined by the board of taxation; and multiplying the result by the local population to produce an equalizing factor for each city and town. Such equalizing factors shall be added together to produce a total state sum. Each local equalizing factor shall be divided by the total state sum to produce for each city and

town a normalized factor. Each such normalized factor shall be multiplied by the total amount of revenue to be shared by the cities and towns to produce the annual share for each city or town. Provided, however, that no city or town shall receive under the provisions of this section an amount less than its 1978 distribution under RSA 31-A plus its share under the equalized formula, of an annual increase of 5 percent in the previous year's aggregate distribution, excluding revenues derived from RSA 77-A:20. The funds of any such adjustment shall be provided by a pro rata reduction in the amounts distributed to those cities and towns otherwise receiving more than the 1978 distribution plus their share of the annual 5 percent increase.

7 Effective Date.

I. This act, except sections 5 and 6, shall take effect July 1, 1977, provided that sections 1 and 2 shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1977.

II. Sections 5 and 6 of this act shall take effect July 1, 1979.

Conferees on the Part of the Senate: Sens. Phyllis Keeney, Dist. 14; David Bradley, Dist. 5; Delbert Downing, Dist. 22.

Conferees on the Part of the House: Reps. John Tucker, Sull. 4; Jean Wallin, Hills. 16; Conrad Qimby, Rock. 4; Richard Ahern, Hills. 26.

Sen. Keeney moved to adopt the committee of conference report on HB 536.

Sen. Keeney requested a roll call. Seconded by Sen. Sanborn.

The following senators voted yea: Lamontagne, Poulsen, Smith, Gardner, Bradley, Bergeron, Monier, Saggiotes, Blaisdell, Trowbridge, Rock, Keeney, McLaughlin, Hancock, Sanborn, Brown, Fennelly, Downing, Preston, Foley.

The following Senators voted nay: Healy, Provost, Bos-sie.

20 yeas 3 nays

Sen. KEENEY: Acting under some of the advice which the committee of conference on behalf of the senate received a couple of days ago and with only one replacement on the conference committee, that being a member from the house, we bring back a similar conference report to you but eliminating completely the capital gains section which seemed to be repugnant to many. The bill as it stands with the committee of conference amendment would be as it was passed by the senate with two amendments that the senate accepted plus these differences. First the 1% additional of the business profits tax, the raising of it from 7 to 8 percent. That one percent would go entirely to the state for this current biennium and that would be approximately 9.7 million dollars. I think the figure that we have may be slightly higher than the one senate finance was quoting the other day. In this biennium the cities and towns would still be receiving their five percent increment as they have been for a number of years. It would be distributed in the same way as it has been for the last few years. Beginning with the next biennium however and this is different from the original bill and is different from the committee of conference report we discussed the other day. Beginning with the next biennium the 1% and the 5% increments would be added together and the total amount would be distributed back to the cities and towns. Presumably by then the state in some way would be on a more firm fiscal basis. The distribution formula is the same one that was presented to the senate originally and which you declined to accept at that time because the vote for it had to be in conjunction with raising the business profits tax to 9%. It is a formula that was devised to better equalize the amounts going back to the growing areas of the state. As you may recall I think I am recalling correctly, that when the business profits tax was started the formula for dis-

tribution was at that time based on the loss in stock and trade in machinery tax that the cities and towns were having at that point. By the time the next biennium comes, about ten years will have elapsed and the population and the needs of the state will have changed and this formula is an attempt to better equalize the amounts going back to the growing areas of the state. I think those are the only notable changes. Actually that formula was in the committee of conference report that we brought to you a few days ago. But it now would not be effective as I said until the next biennium. The total 1% increase of this biennium would be to offset the state's needs at this time.

Sen. MONIER: Senator, I followed you pretty carefully I have to ask two questions. This distribution formula that is now in here, discussing what is going to happen after this biennium, that is all I want to know. Is it not correct that this distribution formula after this biennium, will actually reduce payments to those cities and those towns whereas who are not or do not have a growing industrial base?

Sen. KEENEY: No it would not because there is a hold harmless involved in the formula. Such that no city or town would receive less than they would have under the present formula at the present time.

Sen. MONIER: As of 1978, am I correct?

Sen. KEENEY: As of 1977.

Sen. MONIER: From that point on unless there was another change made after this biennium, the towns that had under the old stock and trade been receiving these increases based upon there stock and trade receipts, would now begin to go down unless they also happened to be by circumstance, one of the growing areas, am I correct?

Sen. KEENEY: To the best of my understanding that they would not go down, they would not increase at a greater rate. There is a hold harmless clause. They could not receive less and if you are interested in any specific places we have estimates presented to us from the legislative budget office for each town and city.

Sen. MONIER: Could we just take two illustrations. I understand the hold harmless. What I am saying is that there will be towns and cities, municipalities, that will not continue their increase on the business profits at the same level. It will now be a sliding type formula with respect to their growth at that particular time.

Sen. KEENEY: I think that what you are saying is correct. Their additional amounts that they receive will not be increasing at the same rate that they may have been in the past but none will receive less than what they did the last time.

Sen. MONIER: Could you take a couple of examples let us take a big city like Nashua for example and take a small little town. It would seem to me that what you find in a small little town would begin to get a larger proportionate share in terms that they do not have an industrial growth where a city which is probably losing population etc. which is part of the formula would therefore lose less in that same kind of a sliding rule. Illustrate it for example.

Sen. KEENEY: As an illustration, Manchester under the 1976 distribution including both business profits and interest and dividends, at that base Manchester was receiving \$4,380,569. Under the new distribution formula, for 77 although it isn't going into effect until 78. Under the new distribution it would be \$4,578,179 or \$197,610 difference additional that they would receive. Taking a smaller town and in a more rural area using Littleton, their total for 1976 is at the \$197,380 and they would gain \$15,629 in addition to that for the next. They would be gaining probably at a faster rate but the total amount doesn't seem that much.

Sen. MONIER: What you are saying is that the percentage increase would be higher for Littleton than it would be for Manchester?

Sen. KEENEY: It would be higher where the land values are increasing and where the population is increasing. Those are the two key factors in the equalization formula.

Sen. MONIER: So what we have done with this new committee of conference, I want you to know Senator

Keeney I am not fighting the bill, I just think that these kinds of factors ought to be out for everyone to think about. Because it is not the same bill that we had been discussing before in this session. Is it not correct then that as of the acceptance of this, while we gain what most of feel we have to have for the budget, we are also giving approval to a brand new formula for future distribution of the business profits tax?

Sen. KEENEY: This formula was part of the bill at one time and the formula was part of the committee of conference report that we presented a day ago. The only difference is that now the formula would not take effect until the following two years, the next biennium, and it would include not just a quarter of the 1% it would include the full 1%. But this biennium, the state will get the full 1%.

Sen. MONIER: I understand that. But by accepting that we are accepting a brand new, equalized formula throughout the state for the distribution of the business profits tax two years hence. Am I correct?

Sen. KEENEY: Yes.

Sen. MONIER: May I ask two other questions? The committee of conference is only an increase from 7 to 8%. Is that correct?

Sen. KEENEY: Yes.

Sen. MONIER: In the second section, the burden of proof shifted to the taxpayer, is still there?

Sen. KEENEY: We didn't change section 2 at all from the senate version, yes.

Sen. MONIER: And the acceleration of payment date that one time shot, is still in there.

Sen. KEENEY: Oh yes.

Sen. SANBORN: Senator I am very interested in what has been said. Just to clear my mind and I am not opposing this in any way shape or manner, I gather that a town or city such as Franklin which has lost quite a bit of industry over the years, would stay the same, am I correct there, in their 1977?

Sen. KEENEY: As a matter of fact it is approximately that they would gain around \$16,000 according to the es-

timates but of course Franklin gaining amount compared with Littleton gaining that amount.

Sen. SANBORN: I take a little town in my district, Raymond. They have been growing quite a bit in population and also in industry. How would they make out.

Sen. KEENEY: They would increase at a faster rate than the first example because they would gain \$84 almost \$85,000.

Adopted.

ENROLLED BILLS AMENDMENTS

SB 236, relative to a single retirement rate, service retirement benefits and vested rights under the New Hampshire retirement.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to **SB 236**

Amend section 2 of the bill by striking out lines 1 through 3 and inserting in place thereof the following:

2 Service Retirement Benefits. Amend RSA 100-A:5, I(b) (supp) as inserted by 1967, 134:1 as amended and RSA 100-A:5, I(c) (supp) as inserted by 1973, 449:2 by striking out said subparagraphs and inserting in place thereof the following:

Sen. LAMONTAGNE: Mr. President this amendment corrects an error in the amending language.

Amendment adopted.

HB 127, requiring proof of residency in order to register and to vote.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to HB 127

Amend section 2 of the bill by striking out lines 1 through 5 and inserting in place thereof the following:

2 City Clerk Shall Require Evidence. Amend RSA 55:9-a III (supp) as inserted by 1972, 47:2 as amended by striking out said paragraph and inserting in place thereof the following:

Sen. LAMONTAGNE: Mr. President this amendment corrects an error in the amending language.

Amendment adopted.

SB 371, to repeal charters of certain corporations and relative to the periodic repeal of corporate charters by the secretary of state.

Sen. Lamontagne for the committee.

Enrolled Amendment to SB 371

Amend section 9 of the bill by striking out line 3 and inserting in place thereof the following:

II. Sections 5 through 8 of this act shall take effect 70 days after

Sen. LAMONTAGNE: Mr. President, members of the senate, this amendment changes the effective date from 60 days to 70 days to assure that this bill's amendment to RSA 294-119 will prevail over the amendment in the same section in SB 229.

Sen. ROCK: Senator how many pages in this bill?

Sen. LAMONTAGNE: Around 15 pages.

Sen. ROCK: Are you sure of that?

Sen. LAMONTAGNE: Yes sir.

Sen. ROCK: Did you read through the pages of the bill?

Sen. LAMONTAGNE: Including the commas.

Sen. ROCK: Would you be willing to check with the clerk as to how many pages there are in this bill.

Sen. LAMONTAGNE: If you so wish. . . . I just said about 15.

Sen. ROCK: How many are there now Senator?

Sen. LAMONTAGNE: About 107.

Sen. ROCK: And you read through all the pages Senator?

Sen. LAMONTAGNE: It says 30 pages.

Amendment adopted.

Sen. Trowbridge gave a brief on the budget.

Sen. TROWBRIDGE: I mentioned to the Senate President that I thought it would be worthwhile using this time to give you an idea of how the committee of conference on the operating budget is doing coming your way so that you can think about it. Actually the report coming in will be basically indecipherable anyhow. You know how it is, strike out this, put in that, so I thought it would be useful before we go out so that you can be thinking about it and have your questions ready. On the basic side, the big tough side. You have the handout that I gave you. Let us follow through that. This is the balancing act that is important. Then I will go through and show you how the differences between house and senate and how they work. They are really not that controversial. When we were here before with soda pop and all that period of time when that was still a viable thought, the figure I gave you then was \$32 million so that is the same figure from two or three days ago. When those revenue bills were not made we went ahead and made some adjustments. It is very good that Senator Keeney has made her report because we have put in our calculations and in the bill the business profits tax increase exactly the way that means has it. Namely, the full 1% going to the state for the next two years, the \$5 million dollar adjustment prepayment business in there, and we have also put it in so that it is

not an RSA so it goes out of existence from two years from now, all that we have. Obviously Mrs. Keeney's RSA will take over. So there is no conflict between what we have done in calculations or anything else. Second, we put in the Sunday liquor business and I know Senator Downing objects to this, but we have the language in there that the liquor commission has to do this on a voluntary basis, that no employee can be compelled to work on a Sunday if he does not choose to. So that language is in the committee of conference report.

Sen. DOWNING: Senator Trowbridge I am concerned with, and will you just acknowledge my concern for Sunday sales, but I am equally concerned with the amount of money that you have in there for the Sunday sales. As I tried to explain to the Senate and the conferees yesterday, the figure just isn't accurate and I wonder why you continue to carry the same figures?

Sen. TROWBRIDGE: I think that somehow you have gotten off on the thing when we first had Sunday sales, it was only five stores. At that point we were carrying it at \$800,000, that was not counting the two other stores that are now open on Sunday. Then the proposition went to thirteen stores. Now 13 stores plus the fact that you are going to have hopefully the New Hampton store and the bigger stores on I-93, that the revenue estimate here is 2.4 on the top side and we also will see that you come to net costs, that will come later for renting those stores so that I think that is the proper gross profit figure for Sunday liquor, statewide per biennium. Remember that is per biennium.

Sen. DOWNING: Senator I am sorry that I didn't make it clear yesterday but I was not confused between the 5 stores and the 13 stores. I was using the figures that were given to the Ways and Means committee by the liquor commission for the 13 stores for the Sunday sales. That was 1.2 million dollars a year which gives you the 2.4 million for the biennium that you are carrying. There was $\frac{1}{4}$ of a million each year for the Hooksett stores that they were already realizing that shouldn't have been in that estimate.

Sen. TROWBRIDGE: The $\frac{1}{4}$ of a million in the Hooksett stores is not in that figure. That was the excess. They are smart enough to know that. You go to Commissioner Dennis and you see what he is going to do with 11 stores extra.

Sen. DOWNING: That is exactly what I tried to tell you Senator, yesterday, that they weren't smart enough for that. That they had put that in. They were carefully questioned by the Ways and Means committee about it. If they want to change their story now they can change it. But it doesn't alter the fact that that is the testimony that they gave to the Ways and Means committee.

Sen. TROWBRIDGE: All I can say is that the testimony that they have given everywhere else is that this is a net increase for 13 stores.

Sen. DOWNING: Okay. They are using the same figures and based on those figures you are at least $\frac{1}{2}$ a million high in your 2.4 million dollars.

Sen. TROWBRIDGE: Let us say that common sense is the best way to run these things. You're making $\frac{1}{2}$ a million from two stores now on Sunday liquor. What are you going to make when you make 13. Does it make any sense to think that you won't make 2.4 million?

Sen. DOWNING: Definitely. It makes a lot of sense. And this is exactly what we have been trying to convey to the senate. That they opened up these Hooksett stores on Sunday that have always been open on Sundays. If you compare for example, the radical difference between the north and southbound one. \$84,000 in one and \$168,000 in the other. That is how radical a difference it is just between those two stores. Never mind the other stores that have been open on Sunday and they are going to distribute the business from Friday, Saturday and Sunday and that is why I say the figures are like sand. They mean nothing. It is a theory that somebody has. They have done no work to support that theory, they can't support it with any factual survey or anything else. They are just guessing, they are basing it on stores that have always been open on Sunday and it is really the opinion of most people, that they are just going to dilute their

business on Friday and Saturday and they are really going to be replacing dollars and not realizing new dollars.

Sen. TROWBRIDGE: Senator Downing if I were to give an argument for why their figures were right, you just gave it. Namely, that they are basing it on the only two stores that have been open on Sunday. And they know what their experience has been on Sunday and they are now extrapolating from those experiences. Senator I don't think you are making any sense on that one.

Sen. DOWNING: Senator, you are taking business out of these stores Monday, Tuesday, Wednesday, Thursday, Friday and Saturday now. Now you want to inject Sunday. They presume that they are going to realize the same rate of volume as they realize out of the stores that have been open 7 days a week from the beginning. And they are going to displace some of their volume. People are going to put off their shopping on Friday and Saturday and they will do it on Sunday. So you can't realize all of your Sunday business, it cannot be pure profit, newfound business. You are going to get so much displaced business for convenience. And they have allowed nothing for that.

Sen. TROWBRIDGE: But Senator you don't make any sense on that. Look, they do \$107 million dollars a year and we are saying that they are going to \$2.4 on Sundays. I mean it is not as if we are asking that it be a great enormous increase but \$107 netting out to \$33 million dollars of profit, proportionately you add one more day to that availability especially a big day when the Manchester mall and all these things are opening up on Sundays which they are not in Massachusetts, and I think that your possibilities for Sunday liquor sales are enormous.

Sen. DOWNING: Yes, but what you fail to recognize for some reason or other, is that you are going to dilute some of the business on Friday and Saturday to get business on Sunday. You have to give away something there.

Sen. TROWBRIDGE: Okay. In the calculation, if you are doing \$107 million per year and it is projected to \$110 million for next year, \$110 million of sales and what we

are saying that they might do an extra \$10 million, so \$9 million has to be added out of \$110, obviously if you added one extra day and said 1/7th more you would go to \$155 million but we are not saying that because we are allowing for the fact that some of it is going to come on Friday, Saturday, and your shifting, so you are not taking the full hump that you would if you said I have a whole full day. We are not making that assumption by any stretch of the imagination. Just the figures themselves, the proportionate figures, make sense. If they didn't make sense I wouldn't go with them either Senator Downing.

Sen. DOWNING: Senator they make no sense to me and I would caution the senate that before they spend this money they be more certain that the money is there, more certain than the liquor commission is that it is there, more certain than the LBA is that it is there and more certain than the Ways and Means committee is that it is there. Now you may be certain Senator, but there are a lot of people that aren't certain and don't believe that money is there. And before we spend it everybody ought to be very certain that it is.

Sen TROWBRIDGE: All I can say is what I have already stated, that proportionately you would have made a lot more if it were not for the fact that we took into consideration that some of it is not new business.

Sen. DOWNING: Mr. President, this particular item being added to the operating budget is interpreted by myself as a method and an unorthodox method at that, in fact forcing a bill out of committee and that this bill dealing with this exact subject for this exact amount of money is in the ways and means committee. Under the rules of the Senate it requires a 2/3rds vote to get it out of there. I would like the chair to rule on that.

The CHAIR: The chair would rule that the raising of revenue by estimates of the Senate and of the House are questions that are already in existence in raising of the budget and has become a matter of the committee of conference and ruled that it is germane to balancing the budget.

Sen. DOWNING: Does the chair realize that in the

several confrontations that the Ways and Means committee has had with the Finance committee this session, that it has not ruled once in favor of the Ways and Means committee.

The CHAIR: The Chair does not ever classify its ruling pro or con.

Sh. TROWBIRDGE: I will continue Mr. President.

Sen. HEALY: Senator, was there anything brought out at that particular meeting on Sunday sales in conference of sweepstakes sales at these stores too?

Sen. TROWBRIDGE: Not to my knowledge. That is a new one for me.

Sen. HEALY: Can they sell these sweepstakes tickets on Sundays at these stores?

Sen. TROWBIRDGE: If it is legal under the Sweepstakes statute there is nothing in what we do that makes it illegal in the budget.

Sen. HEALY: If they are required to sell Sweepstakes sales and they do sell Sweepstakes sales, this would add a little bit more to our budget, would it not?

Sen. TROWBRIDGE: Yes it would. It would add more to the Sweepstakes revenue.

Sen. SANBORN: Senator we seem to have been on a different slant on this Sunday sales. At the last session I remember that and in fact I have heard it several times this session, that this is breaking up the family etc. Now we have had some experience with Sunday sales with the two stores in Hooksett. How many employees do we have down there, is it somewhere in the vicinity of 24, do I understand?

Sen. TROWBRIDGE: Well I think that is the full complement for running all through the week, yes.

Sen. SANBORN: With the understanding, wasn't it that when we erected those the people were hired with the understanding that they would work Sunday etc. and was it in the vicinity of 400 applications that we had for employment?

Sen. TROWBRIDGE: Yes indeed.

Sen. SANBORN: So Sunday sales for employees wasn't too hard a problem?

Sen. TROWBRIDGE: On this one, where you have existing employees as opposed to new ones, the proposal was that no one has to work every Sunday or anything like that but you have to commit yourself to two Sundays of the year. We even took that out. We said it is on an entirely voluntary basis. That they have to hire temporaries, then so be it. No reprisals, no nothing. They will not be hurt if they say no I want to stay home on Sundays. I don't want the money, fine and dandy. Get someone else and I am sure they will not have any trouble getting them.

Sen. DOWNING: Senator, in this volunteer basis this is an area that the Ways and Means committee explored at some length with the liquor commission. We find that in reality you can't have a pure volunteer basis. Somebody has to work and I wonder how the conferees would have come to the conclusion that you can have a volunteer basis. We are talking in terms of everybody saying it is going to be the busiest day of the week, it is the big one and you are not going to have your most experienced people there? You say that a store could run by just bringing in temporary people to run it for that day. Somebody that knows the operation, somebody that is familiar with it, has got to be there. How do you feel that that is going to end up being a purely voluntary basis?

Sen. TROWBRIDGE: I would explain it as this. You only have 13 stores that are opening up. There are 80 stores. Now you are not going to bring somebody from Littleton down to Portsmouth but in the nexus around there will not be stores that will be open. There will be volunteers from the present stores. We know that. There are going to be volunteers but those will be some of the management group. There will also be people, let us say that the Milford store is not open for Sunday liquor who can bid in and say I'd like to work that Sunday. He is a regular state employee, he knows the rules and regulations or whatever. So to man the 13 stores out of the present complement plus temporaries I think is highly possible. And that is why we think that is not unreasonable.

Sen. DOWNING: Senator would feel that it might be unreasonable if you realize that the Ways and Means committee pursued that same course with the liquor commission and we got to the point of who now is going to be responsible for an individual store's inventory. Especially with other people from other stores in it. And they couldn't deal with that question, they couldn't fix responsibility for the inventory of a store any longer at that point.

Sen. TROWBRIDGE: I suppose it is a matter of attitude. If you want to do something you can find a way to do it. If you don't want to do something you can find any number of ways not to do it.

Sen. DOWNING: What you are saying is that that wouldn't affect your thinking at all?

Sen. TROWBRIDGE: No not in the slightest. On Saturday they leave and they have their inventory set. On Sunday a bonded employee comes in from the Milton store. The cash register is there and it runs and it checks in the inventory in and out. The next day, Monday, someone from the regular store is back. It would be one thing if they were going to let it go a week. It is pretty hard for someone in that period of time to go hijacking off when you are going to have regular employees there. To create a bugaboo about something like that—sure you can create the bugaboo, the question is whether you want to have this. Now the other thing that you have to discuss at all is that the Massachusetts House and Senate are poised and ready to get rid of their blue laws. That is going to go. I saw Kevin Harrington last weekend and the house guy and Senator Jacobson was with me and I asked that question point blank and they said no way. Blue laws are going. So pretty soon Massachusetts is going to be open on Sunday. On at least a local option and I am sure that the ones on the border against New Hampshire are going to vote to open their stores. If you don't do this I think there is a consideration whereby you would have to lower the revenue estimates of the liquor commission because people would be using Sunday liquor in Massachusetts. I think that is another point that you

haven't brought out.

Sen. MONIER: I happen to agree with Sunday liquor sales but I do want to ask one question Senator Trowbridge. Among the thirteen stores that are on the list, are there not two of them over on I-95?

Sen. TROWBRIDGE: Yes.

Sen. MONIER: Have they been open previously?

Sen. TROWBRIDGE: No.

Sen. MONIER: Would you not normally expect that they would get quite a heavy play on Sunday from tourists etc.?

Sen. TROWBRIDGE: No question.

Sen. MONIER: Would you also divide 13 in \$1.2 million and 52 Sundays and realize that you are talking about \$18,000 per store?

Sen. TROWBRIDGE: It is really low, if anything, the estimate is low. The liquor commission has been historically low in its revenue estimates. Workmen's compensation. This is the bill that passed the Senate which would have renewed the workmen's compensation benefits for state employees that were put in two years ago out of sympathy for the conservation officer who got clawed and we worked out a deal where he got full compensation for a full year and we are going back to the 2/3rds basis. It passed here and got snarled up in some other issue altogether in the house. That bill really is still alive and we think it should be done. You've instructed us to find cuts and adjustments, this is where we are going. Number four, salary, raise and deferral until October of 1977. One way to save \$1.6 million is not to have the pay raise become effective until a 1/4 into the biennium. Namely October 8th. That was one but we'll discuss that some more. That was one of the adjustments that we made. Second, the coastal zone management referral the second year of the biennium. This is being worked out with Senator Monier now and the idea is that you don't need the full force of the whole thing in the first year. Because all they are doing is preparing for the votes to be taken down in the seacoast and it is not until the votes have been taken that you are really going to need the \$300,000

for the implementation of the program in the second year. That we should have picked up but anyhow it is a good idea. Six, we had this proposition that the federal government allows us to in most of the federal nursing home program and the old age assistance program, the government pays 50% and the locals split the other 50. 50-50 of the 50%. It is permissible not desirable as you will see later on to have the local government pay 60% of the non-federal share. So that 1.6 million dollars in the second year only would mean that in OAH would go from 50-50 to 60-40 no, nursing homes would go 50-50 to 60-40 and on old age assistance would go 75-25. Again, this is not the kind of thing that you would like to do, but we are being asked to do because we don't have the revenue to do otherwise so these are adjustments that can be made. At any rate, they all add up to \$21.9 million dollars. That would still leave you with a \$10.4 million deficit. Then at that point the budget changes come into place. These are the house, senate differences which really out of the whole bit, are minor in a sense compared to the broader issue but of course we had differences with the house and they had to be resolved. One of the things that hit us hard was the CDP budget. We have been all over the place on CDP trying to get Arthur Drake and his whole welfare people up in what they call EMS, Eligibility Management System, CDP with the present equipment, cannot do the job, they cannot do the job for Dick Flynn. So we had to get some additional equipment and additional people to do those jobs because we will lose a good deal of federal funds in the welfare area if we don't. This has been kicking around since June 1st. The governor has had a committee, I have been on it, we have all been working together and it resolved in the committee of conference as to what they would do and the net effect is \$660,000 extra in order to put in another CDP that is the same as the Honeywell system, they are absolutely redundant in the words of the trade and that can be put together so that if you don't have any new program changes you can put everything right on and you lease/rent the new CPU from

Honeywell and add it to the present equipment. And that is where the bulk of the money is and that is where the compromise is. The other compromise was to build a whole big thing over to the highway department which would have taken 9 months to implement. 9 months we don't have. The other one was to take and you have probably heard of it that we got some extra surplus property from Control Data that is sitting there. Control Data's stuff is good, it is used for missile launching. It is not the type of thing that we normally would use. It is that kind of sophistication. The trouble with the Control Data is that it does not speak the same language as the Honeywell so you would have to reprogram everything to use that equipment and the best technical guys all around have agreed that this is the way to go. So we had to adopt it. That is a plus \$660,000.

Sen. MONIER: As you know we had both been involved in that at the time and I think you are aware that I am a member of CDP. I have no objections to the explanations made but one, because of rumors that like to fly around this place, is it not correct that no one that is currently on in a position slot at CDP is to lose his position with this change?

Sen. TROWBRIDGE: True.

Sen. MONIER: Is it not true that the, what does it do Senator Trowbridge to the statutory provision regarding that obstruction and monstrosity that we put in about 8 years ago that the CDP commission would have control over any such projects?

Sen. TROWBRIDGE: What it does is take out that commission and puts in a user/overseer group with the director reporting directly to the governor. So we get out of this catch-22 where no one can make a decision.

Sen. MONIER: It is rather obvious that I am on your side. It should be in the record because there are all kinds of things being asked and no one seems to know it. Is it not true that in this particular case you do not need CDP commission?

Sen. TROWBRIDGE: Yes and no. You have to have—one thing is that the people on this advisory com-

mission is enough so that you have in place of the priorities commission and the commissioner which is what you have now, you have one group made up of house and senate and the users, the controller and the welfare department and that group. So you have a users commission rather than outside commission.

Sen. MONIER: That commission therefore still exists, it is not out of existence?

Sen. TROWBRIDGE: That is true.

Sen. MONIER: It will function within the statutes but with these changes and that this then makes central data processing a user agency.

Sen. TROWBRIDGE: Right. Okay those are the big ones I'll come to the little ones in a minute. For instance one thing is that we took in as revenue all the certificate of title revenue because that is not necessarily a highway thing. That is a consumer protection antitheft law. However, we had had the effrontery of not only taking that revenue away from the highway department but we made the certificate of title people pay still pay for it out of highway funds. Well you can't do it both ways. So we had to put in \$700,000 over the biennium to pay the certificate of title. Those two items are the big items, The \$1.7 that we are talking about. Anyway there was \$1¾ difference between the house and senate mostly upward, due to the two big humps. Certificate of title and CDP. So you add that on to the \$10.4 deficit and you come up to \$12,150,000 deficit. The other thing that we had to consider was that we knew that there would be some across the board cuts coming and how to handle that. One of the problems that we have to handle is how you handle lapses. Lapses as you know are monies authorized but not spent. Normally there is a 2 to 2½ percent lapse in the figures. And you will see everything that we have carried and it says \$419 million less lapses, \$409 million. What we did was we decided that we would get away from that and we would wipe out reference to lapses. So there wasn't any chance of double counting. We gave the department heads that we have talked about when we brought the budget on the floor, we had it that depart-

ment heads would have flexibility in transferring their funds within line which they do not now have, in order that they can use their money in the best regard. Because of that if they are tight they probably will be spending more and there will probably be fewer lapses. So there is no logical way to anticipate lapses of \$10.2 million. Getting to the second page here, accordingly the committee cut out all lapses in income item and lowered the appropriation accordingly from \$419,328,000 to \$409,128,000 this requires a cut of \$10.2 million to start with. When you add that on to the \$12,150,000 of deficit the total amount there that had to be dealt with is \$22,350,000. In addition we were worried about two of the items that we had done. We thought we had done them to raise money but we didn't like doing them. One of them was the \$1.6 million of extra burden on the cities and towns paying for the old age assistance and nursing home. It can be done, it is legal, it makes good use of federal funds but it does bother me. Secondly, the 1.6 million from the salary deferral. Putting the salary off till October instead of the promise that we had that we would start with July 1 was something that we did not want to do if we could avoid it. We then said let us take that \$3.2 million and add it to our deficit and that got us up to \$25,950,000. Then what we propose to do today, is to come before you with, that is why I want to do this now, that at the very end of the budget there are three choices, plan A, B and C. It depends what you do on the revenue. For a percentage across the whole budget, cut 1% is \$4 million dollars of general funds. Now if the head tax and the capital gains tax were to pass, both of them, raising \$17.4 million then we would only need a 2% cut and that is about the same that lapses have been and it shouldn't be that big a deal. But that 2% cut would have to be made. Plan B if only one tax were passed and each are about the same in revenue, 8 and 9 million, then we would require a 4½% reduction worth 17 million. Plan C is the worst one. If neither passes then we have a 5½% cut which would be necessary plus we would recommend we put back the \$3.2 million of the nursing home thing and the deferral of

the pay raise until October in order to balance. Those things that go back into the budget will appear in whatever form after you get through your decision on the revenue raising. You have the opportunity in plan A to come out pretty well, plan B is not as good and plan C is really meaning a \$25 million cut. And that is a lot. Before I take questions, let me show you how we are going to do the cut. We put in the language saying that each department head will come across with a plan within 30 days as to how he is going to institute the cut depending on the size of the cut. We have put in there that he should give preference in his cutting to go first at equipment, line 30, if he can cut out equipment, he goes first for that. Second, his in-state, out of state travel. Third, his temporary employees and fourth his permanent employees and last, is the class 90 accounts which go for human services, namely, like AFDC, medicare, those big ones which match and make big federal dollars. That would be the last point that they would go to hopefully. That would give them an order of priority within the budget so that they know what our thinking is and I believe it should reflect the thinking of the full house and senate that that would be the order of preference because obviously the equipment is one thing that you may be able to do without. At that point those cuts will go into effect right away except that any personnel cuts will have 30 days to be reversed but the fiscal committee and there will be 60 days to reverse any other cut if it looks like somebody is making arbitrary and capricious cuts. This way the legislature with its new fiscal committee will have some hold over the process so that it doesn't run away from us. Also all of the house and senate and anybody who wants to will be put on the copy to be informed as to what the cuts are. They will be on file here, with the fiscal committee and given to the president and the speaker so that we should know ahead of time completely what is going to happen. That is pretty much the framework of this budget because we have to have an either or situation since we don't know yet what is going to happen but that is what will happen in the budget, plan A, B, or C depend-

ing on the revenue situation that comes up today.

Sen. BRADLEY: On the cuts, I am trying to understand how much that is really going to reduce. This percentage of cuts is going to cause some federal dollars perhaps, probably also not come into the state, is that correct?

Ssn. TROWBRIDGE: That could be. What you are really saying to them is that you have to be at 94½% of authorized spending. Let us say that a department head has \$100,000 of his total general fund budget. That will be cut to \$94,500. He will have to make up the cuts there out of whatever. If it turns out that the agency was only 1 or 2 employees and little bit of postage and phone, and the only thing that they have is some grants to locals, and the matching grants then that could affect the federal dollar. No question.

Sen. BRADLEY: Another way to say it is that the 1% produces \$4 million, is 1% of the general fund?

Sen. TROWBRIDGE: The general fund is the name of the game.

Sen. BRADLEY: So that, is there any way that you can make any kind of guess at this point, what we are going to do to the total budget, the \$1 billion dollar figure?

Sen. TROWBRIDGE: If they, luckily, in the departments that have the big federal grants, are also the ones that have the bigger amount of employees and stuff going with it like welfare. Arthur Drake could possibly in his group, could possibly be able to cut there 5¼% out of things other than that which is needed to match for federal funds. I must say I don't think—there is a maintenance of effort problems where if you lower your effort from last year, there is a whole raft of those things in the welfare area. There is no question that I feel that this will come with serious dislocations on the federal funds but I couldn't tell you a figure nor can Arthur. The same questions have been asked. That is the problem. It is so intricately connected with maintenance of efforts and this and that that is why the governor's office couldn't come up with this figure before because they kept going around in

circles. They just never presented one because once you start doing this it leads on down the road and it has ramifications that you may already may not believe. We have been asked to come up with a plan and that is the best plan that can be done in our opinion. If we went in and simply were going to cut class 90 which would have been the easiest thing to do we would have known that for every dollar we took out we would also be taking out \$1.50 in federal funds. That is why we said go through the priorities mentioned before in that order and class 90 would be the last to go.

Sen. PRESTON: Senator Trowbridge, I know that you have gone over and over this but what will the overall difference be to let us say the property owner in the state as a result of this budget if we were to approve it as it stands now?

Sen. TROWBRIDGE: As it stands now they still get their full reimbursement from the business profits tax with the increase so that hasn't been affected. The only other thing that we have done to the cities and towns that I can think of is this thing on nursing homes and the old age assistance. The reason that we picked on those is that the settlement law does not get involved there. On the other ones you don't know who belongs to which town and it is an impossible administrative problem. But on the old age thing they do know who belongs to which town and the nursing home thing.

Sen. BERGERON: About the aid to the permanently and totally disabled. What changes have been made in that respect?

Sen. TROWBRIDGE: The aid to the handicapped the totally disabled that hasn't been changed.

Sen. BERGERON: It was suggested at one time.

Sen. TROWBRIDGE: It was suggested at one time and we rejected it.

Sen. BERGERON: There was a suggestion that I heard discussed about funding the handicap in 1979 only?

Sen. TROWBRIDGE: What we did yes, that was a proposition on Tucker's list that we did not do.

Sen. BERGERON: The special education needs that we

hear so much about, what will the overall effect be if this budget as compared to previous years be?

Sen. TROWBRIDGE: I will have to come back to you on that one. The proposition was that since the real impact of the new federal law or aid to education of the handicap will really come in September of 1978 we did not to fully fund that in the first year in 1977 and it can't very well be that we haven't done that and I will have to check for you and will answer later.

Sen. BERGERON: I don't fully understand and perhaps I wasn't listening attentively, amending the workmen's compensation law to save 1.3 million. I don't understand that and I would like to know what effect it has on the working man.

Sen. TROWBRIDGE: This is for the state as a self-employer on workmen's compensation. There are two elements in workmen's compensation. One is you have to pay the person his salary or a portion therein and the second is that you have to hire in a temporary to take his place normally. Two elements of cost. In 1975 we passed a law saying that the first year, if you are totally disabled as a state employee, you will get your entire state salary. Sounded great. That guy the conservation officer was hurt, we wanted to take care of him. It turns out with sick leave and everything else he was getting \$133% of salary. We had calculated that. That didn't seem to sound right. The feeling was that we ought to go back to the point where you pay them 2/3rds which is what we always did before, 2/3rds of their salary and they get their sick leave, annual leave and all the rest of their benefits. So in essence during the first year that they are disabled they get the equivalent of their full salary made up of 2/3rds of this thing and the extra benefits. It was felt that we had gone too far in creating that benefit and there was no incentive for anyone to come back to work in the first year because you were going to make more being out of work than you were working. That I think liberals and conservatives alike, can agree with. So that is what the proposition is of bringing back that area to where it was before, before 1975.

Sen. MONIER: Senator Trowbridge, can we go to the last part that you were dealing with. Maybe I am incorrect but the information has been brought to me that the head tax has been defeated so that as a result we are really talking about in order to balance this, plan B, am I right?

Sen. TROWBRIDGE: Plan B or C.

Sen. MONIER: The other question that I want to ask, where and why, was any consideration given by the committee to the effect that the department head should have the responsibility for making these cuts through a program submitted to the review rather than giving them certain kinds of levels of priorities?

Sen. TROWBRIDGE: All we were saying was, the first part of the thing says, the department head shall and is responsible for cutting out functions, duties, whatever. All we said to that was in considering their cuts, when they get to that area that the legislature would like to see them first review their equipment request. Is there anything I can take out of equipment. Second, is there anything I can take out of current expense. Third is there anything I can take out of travel. We would like to be able to say that they have questioned those items first before saying well, I'll get rid of five employees. All we are giving them is a recommendation priority listing that this is the way we would do it if we were there. But we are not doing it. If he says no, I need all my equipment, I can't get along without it. Current expense, I'm Major Wheelock and current expense means food, fuel etc. I can't go into that. You know what I mean.

Sen. MONIER: So for the record you are saying that this is a guideline, not instruction?

Sen. TROWBRIDGE: Not instructions. The legislative idea of guidelines.

Sen. MONIER: The question that Senator Bradley asked is important. Was there any consideration given with this across the board cut to agencies that are 100% federally funded? you are not going to gain anything from general revenue.

Sen. TROWBRIDGE: No question. Only from general funds.

Sen. MONIER: When you use the term 100,000, are you talking their total budget or are you talking their fund budget which may be on a 50-50 federal, 75-25 or other programs of that nature, could be entirely different? Which figure were you using?

Sen. TROWBRIDGE: The new figure for the total spending of general fund for the biennium will be \$9 million. 1% of that is 4 million.

Sen. MONIER: You're literally saying to them that the 4½ percent applies to that 50% that is state funded?

Sen. TROWBRIDGE: No question. Senator Bradley then said what happens when you cut some of that 50% state side, what happens to the federal side.

Sen. MONIER: I just wanted to make sure that it was on that particular portion.

Sen. TROWBRIDGE: I want to answer Senator Preston. On that thing on the education of the handicapped for the local school districts which the senate tried to fund fully we did and my figure is incorrect on that one, we are funding that in the second year only. Mainly because the testimony that we got on that was that the real impact will not come to the school districts until the second year. So it is not that bad an adjustment.

Sen. SANBORN: Senator do I understand you, there is still a pay raise in here?

Sen. TROWBRIDGE: Yes indeed. We have the 7% senate finance pay raise and everybody said why don't you just cut the pay raise and we said no. Out of the 409 million you can take that \$13.5 million out of any part of it. We feel committed to a pay raise, the committee of conference was also.

Sen. SANBORN: Some of our departments that run, not exclusively but most of their people in the temporary grade. As I understand it no we can't cut equipment, we can't cut our regular expense then it would fall basically in between the temporary people and permanent people. If they figure we have to have these temporaries to come

in one day a week or whatever, permanent or something like that.

Sen. TROWBRIDGE: That is where it is going to be.

Sen. HEALY: I would like to review something with you Senator Trowbridge. I don't envy you your job one bit. Number one. But there are a few things in this that I dislike very much. Number one, I don't think it is fair really, for the state employees who have waited so long for an increase of salary and then when it comes time to give them an increase of salary we have to defer it. That is number one.

Sen. TROWBRIDGE: We didn't think so either Senator Healy and I would that in plan B you would be able to vote for the capital gains tax in which case we will not have to do that.

Sen. HEALY: You had an opportunity too, to vote for slot machines which would upset all this problem we are confronted with today and would in no way affect your area or town one bit. We are putting human people, human jobs and a whole lot of other things that people have to survive under difficult conditions with increases all along the line and what have we done. We have put them in jeopardy and we are going to have a lot of these state employees worrying about whether or not they are going to have a job or not is that true?

Sen. TROWBRIDGE: That is true.

Sen. HEALY: A lot of people working for the State and even looking forward to a pension some day. Now they are possibly going to lose their jobs?

Sen. TROWBRIDGE: That is correct unless you raise some revenue and to get revenue that can be raised by both sides of the house. I think the other thing was indefinitely postponed in the house and is not worth talking about.

Sen. HEALY: Yesterday I appeared before your committee on joint rules and they were asking for methods of how we could raise the revenue and nobody seemed to have even the slightest idea of how we could raise revenue but the Senator from the sixteenth district who would have to take the responsibility for put-

ting this bill in and also would have to bear the onus if there were any criticism. In that committee hearing not one of those members at that committee asked very many questions at all. In fact one of them was a little bit on the facetious side, one of our own members from Manchester, who lives in an area who lives with the people that would be using slot machines about 75% of the city of Manchester if they were adopted in Manchester. He lives right in there and he was against it. He was the same legislator a while back who was also facetious and refused to vote for the dogs. And he is the same legislator that goes down to the dog track quite a bit and enjoys the dogs. I really am disturbed by this because we really did have a way of raising some revenue. I would say that we could have raised \$20 million in revenue and do it easily. The least line of resistance but oh no, we have to use the working people as a whipping boy so that we can sooner or later have a sales tax. Furthermore, I would like to ask you, would you call this a progressive piece of legislation or would you call this a retrogressive piece of legislation.

Sen. TROWBRIDGE: I would call it a desperate piece of legislation.

Sen. HEALY: Perhaps even a stronger word could be used. Are we going to be able to balance this budget for the biennium?

Sen. TROWBRIDGE: The formula balances the budget.

Sen. HEALY: This formula will balance the budget? Does the house of Representatives, go along with this?

Sen. TROWBRIDGE: Yes.

Sen. HEALY: They went along with this one? They voted this in?

Sen. TROWBRIDGE: The conference committee members did, they haven't voted it yet but neither have you. There aren't too many alternatives as you know Senator Healy. The reason that your bill wasn't let in was because the house has indefinitely postponed the bill. So there is no point in talking about it. And I am not going to discuss it further with you and that's why—the house

has passed over plenty of money into the senate to fund plan A, plenty of money. We have killed soda, pop, there is no capital gains.

Sen. HEALY: Wasn't this a joint rules committee we attended yesterday?

Sen. TROWBRIDGE: Yes.

Sen. HEALY: Do you recall the vote of that meeting?

Sen. TROWBRIDGE: Yes.

Sen. HEALY: 6 to 2.

Sen. TROWBRIDGE: Yes.

Sen. HEALY: They weren't all legislators, there weren't all house members in that group. We had one Senator vote for it.

Sen. TROWBRIDGE: Well a lot of the senators like Senator Rock recognized that it was a dead issue because it had been indefinitely postponed and I don't seem to think that you understand that Senator Healy. There is a limit as to how much you can do.

Sen. HEALY: I can understand common sense and something that is practical and I can also understand that when somebody wants to know and wants to see if there is an avenue we can raise money and the avenue that we can raise money is presented I think that is common sense and I think that these legislators that went along with it, when I looked at that committee when I went in and I said I think I am in the lions den, did I not Senator?

Sen. TROWBRIDGE: I don't know whether you said that.

Sen. HEALY: I knew when I went in that that bill was not going to come out favorable. I think I was fortunate to get two votes.

Sen. TROWBRIDGE: Let's not talk about this anymore today. It is not an issue.

Sen. FOLEY: I think I have the answer from Senator Blaisdell. I was wondering about the workmen's compensation, one point. We passed it here as a separate bill and it went into the house but it seemed to me that it was inexpedient to legislate.

Sen. TROWBRIDGE: It got carved up in a whole other

issue that was sort of unrelated to this. They are tacking on other things.

Sen. FOLEY: But it was inexpedient.

Sen. TROWBRIDGE: Yes and the house members said as far as they were concerned that it had never really been voted on as a single issue in the house.

Sen. HANCOCK: Senator Trowbridge to follow that up then does that mean that the house would have to vote for it?

Sen. TROWBRIDGE: No, they would be voting for it in the budget.

Sen. HANCOCK: Could you tell me, the pay raise presumably is going to start in October rather than . . .

Sen. TROWBRIDGE: If we can get any revenues through here it will start in July. Plan A starts in July.

Sen. HANCOCK: Would you elucidate on any alternatives that might be possible to preclude any cuts by department heads?

Sen. TROWBRIDGE: Yes. If you pass the soda pop tax, and the head tax and the capital gains tax then you would be in great shape.

Sen. HANCOCK: Are we in a position legislatively where we can bring those up again?

Sen. TROWBRIDGE: I think the soda pop was indefinitely postponed, is that correct?

The CHAIR: HB 1203 was indefinitely postponed however the rules do state that a new bill may be introduced in spite of that fact provided it has 2/3rds vote of the joint rules committee.

Sen. HANCOCK: Then would it be possible to consider that once more?

Sen. TROWBRIDGE: June 30 is not far away and I think in a way that it would mean that it would take some change on the part of those people who voted against it to come back here. What we tried to do was with things that were more or less alive. Capital gains has never been voted on separately and the head tax has never been voted on separately in the house. So those were the two that were presented to joint rules yesterday as being the two more viable alternatives.

Sen. HANCOCK: Is it true that the house has voted down the head tax?

Sen. TROWBRIDGE: Yes. So plan A is out.

Sen. HANCOCK: What would you recommend in order that we preclude turning over to the department heads the need for cuts?

Sen. TROWBRIDGE: The only way you are going to do it Mary Louise for instance, there was a recommendation that we cut \$4 million in the water pollution the second year. We got ahold of that and blocked that. That would have raised havoc for every city and town in the state. You could do it but you would really have troubles. So our alternatives weren't that bad. Now starting the employee pay raise off in October is not that bad, it is not as bad as our saying well we won't do an employee pay raise and we won't have any cuts. Those are the kind of alternatives that we have but I think that you are seeing now that this is the dilemma that the senate has put itself in and that it hasn't raised enough money.

Sen. HANCOCK: I understand the dilemma Senator I am trying to have people realize that perhaps tonight we can get ourselves out of the dilemma. Assuming we pass the capital gains tax, we pass the business profits tax, what else can we do in view of the fact that the house has just killed a head tax, what can we do to find enough money?

Sen. TROWBRIDGE: I don't know.

Sen. HANCOCK: It is a very sorry situation.

Sen. BERGERON: Senator Trowbridge, I have to commend you really in all sincerity and honesty. I think you have given us viable alternatives that we are all looking for. I just want to be sure on one point. Under C, we are talking about a 5½% cut. But also if I understand you correctly we are going to be placing 1.6 million back on the towns and deferring the pay raise until October. My question is if instead of going 5½% we went to 6% across the board wouldn't that do it. And then couldn't the state employees have their pay raise effective July 1, we would reinstate the 1.6 million couldn't we balance it on that budget so everything has been reinstated and everyone

should be happy. Except for the poor guy who is going to be lopped off on the 6%.

Sen. TROWBRIDGE: If you did that you would have to go. What we had in our calculations is when you go beyond the 5%, 95% authorized, when you go beyond that that is exactly when you trip in through all these maintenance of effort clauses and these clauses in the welfare department are such that if you trip over them and this is what Arthur Drake is really worried about then at that point you lose enormous federal funds. So that is why we did not go that way.

Sen. BERGERON: But you are at the 5½%, you are over you are down to 95%, so maybe we have triggered some of this. If we take the third alternatives but my question is in the appeal process, couldn't a problem of this kind be handled?

Sen. TROWBRIDGE: It is really one thing or another. I think that deferring the pay raise is better than knocking off another 100 employees. I think you would too. Your judgment is as good as mine. That is the kind of thing. The second year of the biennium for the nursing home thing is not that enormous a problem when spread out all over the towns. That is better than cutting in even further. Because as you go down the list, it obviously becomes more employee and employee and employee-oriented as you go down on the cut. I think that you would probably agree that this is as good a way to go as any.

Sen. BERGERON: Just so I understand the budgetary process Senator, when you fund something out of the highway fund are we talking about raising any revenue?

Sen. TROWBRIDGE: The highway fund has at this point has the highest bonding that it has ever had. \$12.6 million in bonding. Two years ago it was at \$8 million. In other words we are borrowing in that highway bonding, the regular bonding for construction process, the highest we have ever done. The highway fund has lost more funds this year than it has ever lost.

Sen. BERGERON: I can understand that Senator but I am really not getting at bonding. I think what I am get-

ting at is a specific item of the budget that was going to be 100% highway funded that was not put in the committee of conference and I am going to bring it out and it refers specifically to the Rochester motor vehicle substation. I think I would like to know why on the basis and correspondence that we received from the commissioner, attesting to the fact that it is needed, attesting to the fact that it would support itself and it was a good thing for the people of Strafford county, why the committee of conference chose to ignore this and leave it off?

Sen. TROWBRIDGE: First of all the substation was not mentioned until you mentioned it. The department never mentioned that all during the entire budget process. Not once. Secondly, they and we with Senator Rock got the idea that there were several places, not just Rochester that needed some local presence but not a full time substation so we put in the moving van that can go out, the moving van has a cash register in it and everything else and they can go to Rochester and Milford and other places that don't have substations and be there for a day, day and a half and service the places. So we put that in instead of putting in one substation in Rochester which would not be needed five days a week.

Sen. BERGERON: Senator my understanding is that in the budgetary process, that moving vans were put in long before the request for the substation in Rochester was brought to your attention. And you have a letter that was handdelivered to you dated June 15th signed by Commissioner Flynn attesting to the need.

Sen. TROWBRIDGE: Which you hand delivered to Richard Flynn.

Sen. BERGERON: I just don't understand the process.

Sen. TROWBRIDGE: The process you start in January and then the departments come in and they testify and then they go to the house, the senate and they go back and forth on the department head needs. And it does not come in on June 15th.

Sen. BERGERON: Senator I have seen you bring in things June 30th so don't talk to me about June 15th. I think what I am getting at is I read the papers, I am told

things and I think to ease my own mind and my own conscience I would like to have you tell me that today that what you told me three or four days ago in that corner over there, really didn't happen, that if I didn't vote for your soda pop tax that I would never see my substation, that wasn't really what happened and as I read the paper?

Sen. TROWBRIDGE: That doesn't raise any highway funds.

Sen. BERGERON: Also as I read the paper under retribution I suppose synonymous with that would be slap on the wrist and all they say here is that Bergeron's request for the budget increase was read at a conference committee meeting shortly after the democrat had voted against two tax bills. The committee members made it clear that if Bergeron didn't want to raise taxes they wouldn't support his proposal to raise spending. Is that true?

Sen. TROWBRIDGE: The house members did have a roll call sheet in their hand when they considered this issue. I did not.

Sen. BERGERON: But yet you said the raising of taxes has nothing to do with the highway fund?

Sen. TROWBRIDGE: It doesn't.

Sen. LAMONTAGNE: Senator Trowbridge could you tell us again under welfare, that the nursing home isn't needed.

Sen. TROWBRIDGE: No. What has happened in nursing homes Senator Lamontagne is that at the present time the federal government pays half and the locals and the state divide up the other half 50-50 so each pay 25. However under the federal law it is legal for the local to pay 60% of the nonfederal share and the state to pay 40% of the nonfederal share. So we used that to make sure that we could pick up some money. The nursing homes locally will be funded now at a higher rate than they were before. That will ease your county requirements because you are going to have a higher payment. It is really not that bad.

Sen. LAMONTAGNE: So in other words the \$5.40

proposal above the costs of today still stand?

Sen. TROWBRIDGE: Still stands.

Sen. FENNELLY: Senator Trowbridge on this C, if none of the revenue measures are passed and the 5½% cut, what I would like to know if you could give me some impact, I had a little bit of it very recently where the administration advised Commissioner Flynn to lay off 32 people within the registry department and it was just chaos. What would be the effect of the 5½% here which would be 6 to 700 people of the working forces the state employed. In your opinion, across the board to the services of the state?

Sen. TROWBRIDGE: I see that there are going to be some relatively high disruptions because a lot of these budgets aren't up to what they should have been in the beginning. Some you are cutting 5½% below a budget that came in at 6% inflation factor that was never granted. So you are really 11½% below what you should be putting in and there is no question that there is going to be serious disruptions.

Sen. BERGERON: Senator, just to follow up on a question that Senator Fennelly asked you about the inflation, maybe again I am wrong. It is my understanding that the governor's budget as it was presented to the legislature had an inflation factor in it of 6%?

Sen. TROWBRIDGE: Not true.

Sen. BERGERON: Not true.

Ssn. TROWBRIDGE: He allowed when they were doing the original formulation of the budget, the governor's budget commission, the guideline was that there would be a 6% allowable inflation rate. When I did my song and dance here in February and the governor came out, I said, allowing for a 6% inflation, I built that into my pcojection of 51 million. But when the budget came out, couldn't do it and didn't do it. The university of New Hampshire got the same as it did two years ago. That is why I say a great many departments do not have that kind of thing built in even now. They chewed on nails and bit on bullets and said, well we will at least take that. Now we are asking them to go 5½% below

that level which is below their prior year level. You think of that in a time of inflation.

sen. FOLEY: Some of the things that we had discussd were either sent somewhere or were inexpedient to legislate and put in the budget. Does the committee of conference think at all about wine in the grocery stores. Did you consider this again? I know it is in interim study. Did you consider it again when you were giving alternatives?

Sen. TROWBRIDGE: No. Unlike Senator Healy we know when to hear the voice. Those are the rules.

Recess.

Out of Recess.

HOUSE MESSAGES

The House is ready to meet in joint convention with the Honorable Senate for the purpose of being addressed by the Deputy Secretary of State.

INTRODUCTION OF A HOUSE BILL AFTER THE DEADLINE WITH THE APPROVAL OF 2/3 THE JOINT RULES COMMITTEE

HOUSE REQUESTS CONCURRENCE

First and Second Reading and Referral

HB 1205, imposing a tax on capital gains. To Ways and Means.

SUSPENSION OF RULES

Sen. Downing moved that the rules of the Senate be so far suspended as to allow HB 1205 be placed on second reading at the present time, without the holding of a public hearing or proper notice in the journal.

Adopted.

COMMITTEE REPORT

HB 1205, imposing a tax on capital gains. Ought to pass. Sen. Downing for the committee.

Sen. DOWNING: Mr. President, we discussed this capital gains bill pretty thoroughly the other day in the original HB 536 committee of conference report. It means \$8 million dollars in revenue. We have a preclude to the budget offered to us by Senator Trowbridge earlier and we have the budget bill in front of us I see. There is no secret as to where the money would go or the fact that we need the money. I can only advise the senate of the other day might be a little bit more attentive than they were then. But this is just a broadening of the base really of the business profits tax. We have people now who pay the capital gains tax. Don't think you are bringing on a new tax here. We have people now who pay a capital gains tax but we just don't call it that. If everybody is going to be treated equally and everybody is going to be treated equally relative to the capital gains, then this bill should be approved. It is simple as that. Sure, there are some people that are going to pay a tax that didn't pay before. But there are people who are paying it now who shouldn't be paying it. So it is equalizing our tax program as we have it now. It treats everybody alike. And I think they should be treated alike so rather than discriminate against some let us be fair to everybody even though its taxes that we are treating them to. The state needs the money and everybody ought to bear their fair share of the burden. I think it is a fair and equitable tax. I urge you to support the tax.

Sen. Smith offered an amendment to HB 1205.

Sen. SMITH: Mr. President, my amendment even though it takes 8 pages and supposedly I have not seen it, is a very simple amendment. What it does it says that the tax will expire at the end of two ysars. What this does is to give the state a little breathing room and a

time to evaluate it and let both houses take positive action on it at some later time. Now, my view of the capital gains tax is unchanged. I think it is an abomination. For three weeks I have hardly spoken on the floor of the Senate and lying in bed last night I felt that I had been walking through a painting by Salvadore Dali with a long horizon, a plane going off into the distance and with piles of junk displayed around. Even to the extent of a clock that is bent and out of shape like the one on the wall here. I am disturbed deeply by the capital gains tax. Senator Bossie fat cats will not be hurt by this tax. Another senator on this floor in the original debate said that this is a windfall tax. It is not a windfall tax. There are those who pay a capital gains tax now through corporations and through the business profits tax. The person who has an accountant and a great deal of funds will not have to be bothered particularly by this 8% tax. The higher your federal tax level, the less it will cost you because this is deductible. So the fat cats aren't going to be hurt by this tax. The people that are going to be hurt by this tax are the people who have been saving, have been working hard for years and are in a position of retirement and they have retired maybe 10 years, they have owned securities of a blue chip nature such as General Electric and GM and the stock has appreciated somewhat in value but so has inflation and at a much greater rate. So these people are in a position where maybe a husband or a wife is sick, needs hospitalization or the property taxes have gone up and if this is not incredible. They sell their securities and pay a tax on that to pay their property tax. All of you know that for many years I have advocated a broad base tax and I believe in an income tax because our patchwork quilt of taxes that Senator Jacobson referred to is no joke to many elderly people in this state. I have voted for every tax that has come down the pike except for the rooms and meals tax which is an additional burden in one area and for this tax. I feel so strongly that the inequities of this tax are extreme. We have been placed on this day in a position where we have very little alternative. \$10 on a residency tax, is not that much for

everybody. The soda pop tax which was indefinitely postponed and I am convinced that it was indefinitely postponed because of the lobbying interests that went on in this body. I think it is a disgrace that that tax was not passed. Senate finance committee, house appropriations and the budget committee or the committee of conference on the budget, on the operating budget has worked hard and diligently and there are people here who have thrown rocks at that committee. The report that has come out from that committee and they have thrown stones or rocks or whatever you have at that report but no one here has had the courage to stand up for the kind of taxation that is truly equitable for the State of New Hampshire. Because of the programs that are in jeopardy and because of the problems which this state faces in the next biennium, I have very little alternative. The amendment which I propose gives the legislature not only gives but mandates, that if this inequitable tax should be continued for two more years then it is going to be done with the full concurrence of both houses of the legislature and by the signature of the governor. I hope the senate will vote for the amendment for without I believe that this tax should go down to defeat.

Sen. HEALY: Senator Trowbridge I voted against this capital gains tax. Personally, I am still against the capital gains tax but could you give me some kind of assurance that if I did vote for this capital gains tax that it would help out and get the state employees on an earlier increase in their salaries?

Sen. TROWBRIDGE: Page 109, that is the part of the bill that has plan A, B, and C. It says alternative rates of expenditures. Then it goes to section 2. Plan has the head tax and we know that wasn't adopted so that plan A is no good. Turn to section 3. It says that if either tax bill etc. goes through every department shall reduce its general funds and expenditures not to exceed 95½% of the general funds. State employees pay raises shall take effect June 17, 1977. That is retroactive the first pay period. That means if you did pass the tax we are talking about now the state employee pay raise would take effect as of

June 17, 1977. In answer to your question, very definitely that by passing this tax today, that paragraph B would go into effect. If you do not pass that go to section 4. This says that in event that neither the head or capital gains tax goes into effect, then the department heads go down to 94.5% and also at that point in another part of the section it says that the pay raise would take effect on October 8th not the 17th of June. This is very clear to you Senator Healy, if you want the pay raise to go into effect for June 17th, you will have to pass this tax bill.

Sen. DOWNING: Senator as I understand the amendment you are offering, it is limited to allowing this tax for two years only so that at the end of the biennium the legislature would have to re-evaluate the entire matter and decide whether it wants to maintain the tax, eliminate the tax, or do something other than that?

Sen. SMITH: That is correct. As I understand, I haven't read the amendment yet, I have had it drafted and I believe it is correct, what the amendment does is to make you liable for a capital gains tax I believe through December 31st 1979. Though you must pay that even though the tax expires when you file in 1980 so it is a full 2½ years.

Sen. DOWNING: Mr. President, I rise in support of the amendment that is offered by Senator Smith. I don't have the problem that Senator Smith has with it and I don't agree who he feels is going to be paying the capital gains tax. However, I have no problem with his feeling that the legislature in the not too distant future, should reassess what it has done and either reconfirm it or change its direction. I see no harm in that at all and I would ask the members of the senate to support the amendment and then in turn support the bill as amended.

Sen. SANBORN: Senator Smith I may support your amendment. I am still in grave doubt that I will support the bill. My question is this you have been in state government much longer than I and recognize all the states in the union and in your recollection do you know of any state that has removed a tax once it has come on?

Sen. SMITH: Senator I cannot.

Sen. SANBORN: That is what I was afraid of.

Sen. SMITH: Except for the stock and trade tax here in New Hampshire years ago and was replaced by another tax. I would say this though, I think, I believe that the full implications of this tax have not really been appreciated by the people of the state of New Hampshire and I think that there will be a few of you against it. When the legislature comes back there is no negative action in my amendment that will allow this tax to continue. Remember the house and the senate will have to vote to reestablish it.

Sen. SANBORN: Well Senator, you then believe the same as Senator Poulsen did when he spoke on the floor the other day and the same as I do that basically that who this is going to hit is somebody like the poor farmer that has a farm back here in the woods and just can't make a living out of it any longer because let us face it because agriculture is on the downhill in the state of New Hampshire and is having to sell off little pieces here and there and because his farm has been passed on through the family from the days when they got it for shillings and pence, now he is going to be paying roughly 100c on the dollar for this tax.

Sen. SMITH: I agree with you 100%. Above that Senator, a person may have bought securities ten or fifteen years ago that has had some appreciation but not appreciation in relationship to the inflation which we have had in the last ten or fifteen years. I would not be disturbed by this tax if we were in a stable economy without inflation but I am most disturbed because it was so blithly said here that this is a windfall tax. It is no windfall. The profit has probably been eaten up by inflation so that you are asking for a tax not on a windfall but a tax on principal. You are asking that that tax be paid by people who are selling because they have to pay some bills in their old age. We have a high proportion of elderly people in this state.

Sen. ROCK: Senator Smith, sharing your concerns about the basic tax we are discussing and looking hard at your amendment would you run through this with me and

we look at the person that Senator Poulsen spoke of the other day who had bought up some land around his farm and was now to the point where that was going to be his retirement, if we adopt your amendment and we adopt the bill and next March or April that person sells off some of his land and has to pay this tax which I agree with you, is not a windfall tax and the next door neighbor who is also in need of extra retirement money looks at your amendment and says if I can hold on for another year they may change this. So he goes without, or does a little more scrimping or has a little cushion somewhere and he doesn't sell his land. Your amendment goes and two years hence they resurrect the soda pop tax or the tax that I thought would be more equitable and fair that the house has refused time and time again, a modest increase in the resident tax, they come up with something new. What have we done to the poor guy who had to, or is forced to next March or April, sell his property, be paid the tax and another six months or twelve months that tax is off the books, his neighbor sells his land and he is home free. Where is the equity in that?

Sen. SMITH: There is no equity in that. It is very easy for instance, to raise the inheritance tax for the simple reason that the dead had no lobby. Many of the elderly do not have a lobby but the soda pop people do and this is what disturbs me in the legislature.

Sen. SAGGIOTES: Senator Smith this capital gains tax which you are proposing similar . . .

Sen. SMITH: I am not proposing the capital gains tax Senator, I am proposing a curfew on it.

Sen. SAGGIOTES: You would support it with the amendment?

Sen. SMITH: I would.

Sen. SAGGIOTES: Is this similar to the capital gains tax the federal government has?

Sen. SMITH: Yes.

Sen. SAGGIOTES: How would this work, would it be a double tax, or what?

Sen. SMITH: No, because you can deduct the state

from the federal and that is really where the inequity comes from as I see it because the guy that is in the 50 or 60 or 70% tax bracket doesn't cost him much but it costs the guy a lot who is in the lower tax bracket and who is selling not to try to change it into another investment to make more money but is rather selling what he has to pay some bills or to pay some taxes on his property or to pay his interest and dividends tax. This is where I think the inequity of it comes in.

Sen. SAGGIOTES: Are you saying that if I owe the federal government under the federal capital gains tax \$50.00 and I pay the state of New Hampshire let's say \$20.00 then my bill to the federal government would be \$30.00?

Sen. SMITH: What I am saying is, that you deduct your state taxes out of the top bracket in your federal income tax and it hits the guy that is in the 20% tax bracket a lot harder than the guy that is in the 60 or 70% tax bracket.

Sen. SAGGIOTES: It is my understanding that there is some sort of a capital gains tax collected now under the business profits tax?

Sen. SMITH: As I understand it there is no differentiation between capital income and other forms of income that you would be liable for under the business profits tax so that you pay your 8% under the business profits tax on a capital gain.

Sen. SAGGIOTES: In the calculation of the revenue under this proposal has it been considered as to how much the business profits tax would decrease as a result of this tax?

Sen. SMITH: No it won't decrease because the corporations and the businesses will still be paying the business profits tax which includes capital gains tax but this will broaden the field, we are broadening our tax into those areas of people who have not previously had to pay a capital gains tax and my contention—it doesn't bother me that the corporations have to pay a capital gains tax but it does bother me that the people who are hit the hardest are the people basically with lower type incomes and they

will have to pay this capital gains tax. For instance, what about the man who is 70 years old, has a house and has a lot next door and he has held that lot, hayed it, may have had a garden in it and now he is 75 years old and the expenses that he has are more than he anticipated and he finds that he has to sell that lot so he sells it and he probably has made quite a profit over the years because land has appreciated much more than securities for that matter. So he has to pay the capital gains on that lot.

Sen. SAGGIOTES: So what you are really saying, am I correct in assuming that this proposal is a much more severe tax for the so-called little guy than the business profits tax?

Sen. SMITH: Sure, because under the business profits tax the little guy unless he has a business which is making a profit that is taking in income plus some capital gain, doesn't pay the capital gain tax.

Sen. MONIER: Senator Smith I just happen to have both of these. I am happy to see that the amendment is larger than the bill. Let me ask you two things. If I heard you correctly at the beginning of your presentation with respect to the amendment, I got the distinct impression that what you were saying was that you really don't like the capital gains but because of the budget situation your amendment would allow you to vote for it because it would only apply for two years?

Sen. SMITH: That's correct.

Sen. MONIER: If the tax is something that you don't believe in then you are saying that the budget increase this would bring is more important to you than what the tax really does?

Sen. SMITH: Yes, because I think there are some areas which are in very tough shape in the budget as far as the human needs of people in this state and I think for that reason and for that reason alone, I am forced into voting for that tax. I would much have preferred to vote for the soda pop tax which Senator Fennelly moved to indefinite postponement which would take 16 votes to bring back because that would not have hurt one person

in this state, all it would have done would have made the lobbyists go home mad. And also I would have voted for the residency tax but we did not have that opportunity.

Sen. MONIER: And now that I have heard about everything except for what I asked you I would like to ask you again, and I'll put it this way, if you don't have your amendment which would not allow this tax to stop at the end of two years, then you wouldn't vote for this bill?

Sen. SMITH: That's correct.

Sen. MONIER: Then if I didn't feel for example, one that the capital gains tax as we had it before and I don't think it is that much different although I don't want to be held to that because I haven't had a chance to read it, if I didn't feel it was proper yesterday, your amendment wouldn't make it any more proper for me today, would it?

Sen. SMITH: I think it would make it a bit more proper Senator, maybe not to you Senator. I don't know what makes things proper to you but I do believe very strongly that there are needs in this state—if you had sat on senate finance committee I think you would have seen some of the needs that are not being taken care of in the budgetary process. I think those needs are real and they are here and that is why I will find myself forced into the position of voting for a tax which I dislike extremely and as I have said the if the soda pop tax had been here and the kids, people have not cried for the kids, we could have had that tax we would have been a lot happier than we are tonight.

Sen. MONIER: Senator if I can get back to this bill rather than soda pop. So far we have had a discussion about soda pop which I think had already been passed on. Would you concede me to this point, that if I did not believe that the capital gains tax was good yesterday that your amendment of two years, makes it perfectly proper for me to think it is not good today?

Sen. SMITH: I don't know what your thinking is Senator that we have got to face reality and I think for another reason which I have not mentioned and I will go back to the soda pop tax which you are drinking right

now, that that would have had an easier time going to final passage than the capital gains tax will have.

Sen. HANCOCK: Senator Trowbridge, I asked this question on behalf of Senator Keeney who has lost her voice. Do you think that the bill with the proposed amendment will bring in as much in the next two years as it would without the amendment? In other words, won't those who are speculating perhaps, wait?

Sen. TROWBRIDGE: They could. The major amount of money comes from the people and the normal lifetime for a speculator is $7\frac{1}{2}$ years because it is at that rate that the interest rate catches the profit rate and this person bought some land for \$8200 in Dublin and he sold that land in 7 years for \$84,000. That is the person that we are getting the major revenue out of this. I think Senator Smith is putting the bleeding heart out here and everybody is sell him the old farmer routine, right. He's a great liberal and he knows better than anyone how to kill a bill. Those people who are selling their land at that kind of profit are not going to be concerned one iota about the capital gains tax because the totality of those things, they want to unload it before the interest rate changes. That's what it is.

Sen. FENNELLY: Senator Smith you are correct in saying that I made that motion of indefinite postponement on the soda pop bill but I am quite surprised in your opinion if we were going to put an additional 15c per gallon on the beer barons. It would have raised just the same amount of money considering that New Hampshire per capita consumes more beer in the United States with the exception of Arizona. Now you talk about lobbyists Senator Smith, they would have been up this gallery, more people up there, the beer barons would have controlled the senate to a great degree at least in the gallery, would you have voted for a 15c per gallon on the beer?

Sen. SMITH: Senator I would have voted for a 15c or 30 or 45c increase on the beer tax as long as it would have helped to increase the revenue. But after a period of time where you get into a position where you become noncompetitive and that is the problem with the beer tax,

the cigarette tax and a number of other taxes that we have. You can only go so far.

Sen. FENNELLY: So basically what you are saying on the competitive aspect would also apply to the soda pop if that bill were passed?

Sen. SMITH: Senator I thought it was stated on the floor that the soda pop tax that this was one of the areas where the grocers can make the most profit. If they cut a little bit and the guy put a little more carbon and a little less syrup into that stuff, he would make a profit too.

Sen. BERGERON: Senator Smith, I don't know whether I concur with Senator Trowbridge, I hate to, I hate to break my record but I think he may be right when he said you can kill a bill without trying. I am looking at your amendment and I didn't read very far and I don't think I had too, because I read amending the bill by striking out all after section 10 which is the effective date, and then number 11 we get into the rate of tax and the first thing out of the box wow, annual tax upon income shall be levied at the rate of 5%. What are you talking about there?

Sen. SMITH: Where is this Senator. That's on the interest and dividends?

Sen. BERGERON: I would feel better if you said the annual tax upon interest and dividends rather than income.

Sen. SMITH: Senator could I answer one question before you continue. I was referred to as a liberal here tonight and I don't come from a silk stocking district and people in my area don't make that large profits on land.

Sen. BERGERON: Just reading down, there are a couple of things that I am having a little trouble with and you refer to individuals, you refer to partnerships, associations, but I don't see the word corporations.

Sen. SMITH: That is under business profits.

Sen. BERGERON: How about a corporation that we're selling. Let me put it this way. If I bought a corporation and come December 31st I decided to sell my corporation and I am going to pay a business profits tax. Now I am going to sell, I want to bail out, I want to sell the stock

and let us say for sake of argument I bought that stock for \$10 a share, I am now going to sell it for \$15.

Sen. SMITH: You are still going to pay a capital gains tax on it. The corporation is going to pay the business profits tax and you're going to pay the capital gains tax.

Sen. BERGERON: And if it is an out of state corporation I get credit?

Sen. SMITH: Senator, I am not following you.

Sen. BERGERON: Isn't there some amendment here in your provision for taxes paid to other states on the gains.

Sen. SMITH: Not to my knowledge.

Sen. HEALY: I rise in support of the amendment and also the original bill and I do so for reasons of conscience. Number one I own a half interest in a corporation. Therefore, I feel since I voted against this I would be in conflict of interest in my vote. Number two, my daughter owns land that is profitable, we own a sizeable plot of land, she does, and when it is sold it is going to pay quite a dividend. So, therefore, I want to be able to sleep tonight and when I vote for this bill my conscience is going to be clear. I am not voting in conflict of interest I am voting to see that these state employees receive a salary increase a salary that has been coming to them for a long time and that is why I am doing it even though it hurts me. I don't want to be considered a self-conflicting member of this body.

Sen. TROWBRIDGE: I think I got my digs in a little earlier but you have to remember what we are facing tonight. You have really plan B and plan C. Now the capital gains tax, when you think about it, a person has a \$100 gain. He is going to pay \$8. He is still going to have the other \$92 in the capital gains. If you take a look at the amount of money that has been made on land in the state of New Hampshire especially by people who are outside of this state, in the last ten years. Just ask the registrar of deeds, who owns the land and he'll tell you. You know darn well that there is a great deal of money being made off this state by people who are just plain smart. We get none of that money but because it is a capital gains tax and includes land in the state, we have

jurisdiction over that sale and we can tax that sale. It is for that reason and not to pick up the piddling amount of money that is coming from selling an acre in the back. I do know that we have a right to tax the appreciation of land in this state which comes in part because of the efforts that this state is making to make itself attractive. In other words, part of this is recycling back to the state some of the efforts that it is making in the environmental field or whatever. So I don't think that anybody should shake their head and worry about this being something that is going to affect the retirement for old age or anything else. They are going to do it anyhow. Simply recognize that if you don't do something like this, if we don't bite the bullet somewhere you're going to go to plan C which is a pretty tough situation.

Sen. Blaisdell moved the previous question.

Adopted.

Sen. Monier requested a roll call. Seconded by Sen. Fennelly.

The following Senators voted yea: Smith, Bradley, Blaisdell, Trowbridge, Keeney, Hancock, Healy, Fennelly, Downing, Preston and Foley.

The following Senators voted nay: Lamontagne, Poulsen, Gardner, Bergeron, Saggiotes, Monier, Rock, McLaughlin, Sanborn, Provost, Brown and Bossie.

11 yeas 12 nays

Amendment failed.

Motion of ought to pass.

Sen. Fennelly requested a roll call. Seconded by Sen. Blaisdell.

The following Senators voted yea: Bradley, Blaisdell, Trowbridge, Keeney, Hancock, Healy, Fennelly, Downing, Preston and Foley.

The following Senators voted nay: Lamontagne, Poulsen, Smith, Gardner, Bergeron, Saggiotes, Monier, Rock, McLaughlin, Sanborn, Provost, Brown, Bossie.

10 yeas 13 nays

Motion failed.

Sen. Monier moved that HB 1205 be indefinitely postponed.

Sen. Fennelly requested a roll call. Seconded by Sen. Lamontagne.

The following Senators voted yea: Lamontagne, Poulsen, Gardner, Bergeron, Saggiotes, Monier, Rock, McLaughlin, Sanborn, Provost, Brown, Bossie.

The following Senators voted nay: Smith, Bradley, Jacobson, Blaisdell, Trowbridge, Keeney, Hancock, Healy, Fennelly, Downing, Preston, Foley.

12 yeas 12 nays

Motion failed.

Sen. Downing moved that HB 1205 be laid on the table.

Division vote: 11 Senators voted yea; 12 Senators voted nay.

Motion failed.

Sen. Rock moved an amendment to HB 1205.

Sen. ROCK: Mr. President in the last several days there have been a great many ideas and thoughts proposed as to new taxes. I tried through the joint rules to introduce a modest increase in the residence tax. A tax that amounts to approximately 3c per day for residents of the state of New Hampshire. Exempted from the tax are children under 18. Exempted from the tax are residents over 65 and I listened very carefully tonight to Senator

Smith and I have listened earlier to Senator Poulsen talk about what the capital gains tax would have meant to a resident who had bought a piece of land and next to his house and he was going to sell it for his retirement and how much that would have cost him. I cannot believe that all of the people who sell a piece of land or make a capital gains on the sale of a few shares of stock are the people that Senator Trowbridge referred to whom make \$80,000 on an \$8,000 investment but I do think that this increase in the residence tax is going to be a lot more bearable and acceptable to the fellow who is going to sell his piece of land at \$10 for the year than it would have been to pay 100s and 100s of dollars on that as a capital gains tax. Now at the joint rules I think you ought to know what the vote was. I made the motion in joint rules to introduce a residence tax increase and for the first time this year for the first time in all of the time that joint rules has met there was a member of the house show showed up and we found out he was on the committee. Never even knew he was on the committee. We hadn't seen him all year. He was busy issuing press releases to the press. But he was there to mouth off yesterday against a modest increase, to poke fun at it, to ridicule it and his one vote saw the defeat of that being allowed to be entered. Now I voted to let the tax come in on capital gains. I didn't really believe that I could support it on the floor of the senate and I said that at the time, that I would have to examine my conscience in the next twelve hours to see if I could vote for an 8% capital gains, but I voted to let it in and yet this member who has never showed up for one meeting of the joint rules was there yesterday to shoot down that, and to vote against it, the vote was 6 to 4, had he not been there it would have been admitted. I don't know the procedures under which this came to a vote in the house today. I am told that even though it wasn't admitted under joint rules it came to the floor of the house. Well boy, if it can come to the floor of the house without coming through joint rules and we are co-equal bodies, I would like to see it come to the floor of this senate. I would like to

see it come in the form of an amendment to HB 1205 which strikes out the title of the bill and amends everything that was in 1205 out and says for the privilege of living in the great state of New Hampshire that Senator Trowbridge referred to, for being able to enjoy the no general income tax, no general sales tax, would you be willing to pay an extra 3c per day. I think that the people of this state would be willing if they know that it means that we can move up the pay raise date for the state employee. If they know that it means that we are not going to have to go to the drastic cut in plan C, that would be a 5½% cut across the board in state expenditures, you are talking about \$9 million plus, it is more than your capital gains tax, it is a lot more equitable, it is a lot more fair and I would like to see the senate send a message back to the house, keep sending these things over here. Let's send one back to them and see what they are willing to do. This is a hard bullet for me to bite because you know that my name is going to be on the head tax increase for the next two years. And should you run for reelection there are going to be people who say he is the guy that upped our head tax. Well I would remind them that he is the guy that voted against the capital gains and voted to cut spending and stood here on the senate floor and said, we have to start doing some cuts. I am willing to see those cuts but I also think we have to be responsible. And maybe it is the 11th hour and maybe it is something that the house has defeated but they never indefinitely postponed. That is where we have made some mistakes here. Indefinite postponement precludes it from coming back and I hope in another session we will remember that. We never voted on this, I am ready to vote for it, I am ready to bite that bullet and I am ready to see it go to the house and if they defeat it then let them answer to the state employees for the delay in the pay raise but the house answered to the state employees for the 5½% cut. But they are not going to blame Al Rock for it because I am going to vote for this increase in the head tax.

Sen. PRESTON: I can use some of your words Senator

Rock, living in this great state and using the word fair. If I live in Hampton and make \$150 a week and somebody who lives in Nashua who might make \$70,000 per year, do you think that doubling the tax from \$10 to \$20 is fair.

Sen. ROCK: I think this is one of the fairest ways that we can face the problem we face today. Because the fellow that is making \$70,000 per year you know is paying a business profits tax, he is paying a lot of other taxes to the state, rooms and meals, probably eating more out he is probably doing a lot of other things that the fellow on \$150 isn't doing.

Sen. PRESTON: I don't think it is necessarily true that he is paying the business profits tax but do you think that he might like the opportunity to eat out more often and pay the rooms and meals tax, that people who don't own their own homes, that might have four or five children, to double their taxes regardless of their income, do you think that is fair?

Sen. ROCK: From \$10 to \$20, I think if you said to that man and I hope you will if you know somebody in Hampton, by asking him would you rather pay an additional \$10 or would you like to pay 5% on everything you buy in a general sales tax that would cost you several 100s of dollars per year. And ask him, what would you rather have.

Sen. PRESTON: That wasn't my question.

Sen. ROCK: Well that was my answer.

Sen. BERGERON: Senator just a couple of questions. This 100% increase from 10 to \$20, is that for one year or two years?

Sen. ROCK: Per year.

Sen. BERGERON: Ad infinitum forever?

Sen. ROCK: Yes.

SEN. BERGERON: Senator when I go back to Rochester, if this bill pays, how do I tell the 18 student, the 35 year old man making \$35,000 and the 67 year old widow who has nothing but social security, that they are all equal and that everything is fair, that we are taxing everyone on a fair and equitable basis strictly on the ability to pay?

Sen. ROCK: Right, the 35 year old would pay it, the 67 widow would not, she is exempt. And the 18 year old does from their 18th birthday they would pay it.

Sen. BLAISDELL: If Senator Rock, that same man that makes \$150 per week, we passed an income tax in the state of New Hampshire, with built in levels to protect the man with the \$15,000 salary, do you think that he would think that was a fair tax?

Sen. ROCK: No.

Sen. BLAISDELL: Senator Rock, there was a man who called me the other evening at 12 midnight, a very fine person who lives in West Miland, New Hampshire. He said to me, I have nothing but contempt for you, nothing but contempt for putting a head tax on my family. And he is an average fellow who makes probably \$10,000 per year only has three children, and he has nothing but contempt because you haven't got the guts to put in an income tax on the basis of ability to pay. Would you believe that?

Sen. ROCK: If you tell me that I believe it but I think because of our constitutional restrictions that preclude us from adopting a graduated income tax, you can set some minimal level but you can't graduate it. That is the fallacy we face and I would like to see you put a constitutional amendment on and go be a fly on the wall in the ballot box of the guy who is so disgruntled by all of this and he has to vote on a constitutional change that will let him have an income tax in this state and he is going to vote no. He is not going to want an income tax and he is not going to understand about graduated tax or minimum or maximum. All he is going to vote on is "Do you wish to have a graduated income tax" and the answer is going to be no.

Sen. BLAISDELL: Senator Rock do you really know that now since you are handing out this kind of garbage.

Sen. ROCK: I have never called one of your bills garbage.

Sen. BLAISDELL: Well I apologize if I called it garbage, I guess Senator Rock I have never seen anything like this really. I resent this bill—I think it should be on

an ability to pay. As much as I respect you sir and I have been very nice to you all of this session, I have said hi and goodbye but I think this is terrible.

Sen. HANCOCK: Senator Rock inasmuch as the house has rather overwhelmingly defeated this same type of measure, what gains do you think you will have even if you pass this?

Sen. ROCK: I would like to give the house this opportunity to consider one more time what is a good tax. It is certainly much more equitable than the tax which we defeated. That capital gains tax was a very unequitable tax. I think that when Senator Bergeron says you are increasing 100% everything is relative Senator.

Sen. HANCOCK: Aren't you really trying to shift the responsibility to the house with the knowledge that they won't pass it?

Sen. ROCK: No, absolutely not.

Sen. GARDNER: I understand that this tax would bring in enough to pay the state employees the 7% raise and it is to begin July.

Sen. ROCK: Plan B. In the event that either the 8% capital gains tax or the \$10 resident tax goes through, the following plan known as plan B shall be followed: every department is hereby directed to reduce its general funds for fiscal year etc. etc. Yes.

Sen. BRADLEY: Senator Rock, following your argument, couldn't you argue just as strongly that the increase ought to be to \$30 or \$40 so that we could have plan A because after all, what's \$20, peanuts?

Sen. ROCK: If I really wanted to kill this bill then I would argue for that.

Sen. BRADLEY: Do you think that the house is any more likely to vote for \$20 than they are for \$30 or \$40?

Sen. ROCK: Yes I do.

Sen. SMITH: I was out of the room and I don't understand too well how we got this bill here.

Sen. ROCK: Don't leave the room Senator.

Sen. SMITH: Was this the bill that was tabled a few minutes ago?

Sen. ROCK: No. This was an amendment to the bill

that was tabled a few minutes ago. The tabling motion failed. The bill was never tabled, it was on second reading and open to amendment. I asked for a recess so I could prepare this amendment.

Sen. SMITH: This was the capital gains tax?

Sen. ROCK: The number is the same. This is an amendment to a revenue raising bill and I would ask at this moment, a parliamentary inquiry of the chair as to whether or not we can amend a revenue raising bill that comes from the house and in proper constitutional fashion send it back and that is an inquiry of the chair. Is that a proper way in which you can amend the bill?

The CHAIR: The chair will state that Senator Smith has the floor with regards to the question, that is a responsible question, when he is finished you may make a parliamentary inquiry.

Sen. SMITH: Now Senator, I indicated earlier that I probably would vote, for an increase in the residence tax; however, if we pass this bill over to the House what would you think would happen?

Sen. ROCK: I would hope that they would have the wisdom and the foresight that the senate will have in voting for it and passing it.

Sen. SMITH: Now Senator, don't you think that by doing that we zing that over there, have them vote on it the first time that they will overwhelmingly defeat it. And if that were the case then we would be without a vehicle for some more equitable tax?

Sen. ROCK: If that were to happen I would assume that we would then have to reluctantly adopt plan C.

Sen. SMITH: I am not sure what you mean by plan C Senator?

Sen. ROCK: Plan C is the larger reduction in state spending, later pay raise to October.

Sen. FENNELLY: I rise in opposition to the amendment. I would like to say that I admire Senator Rock with respect to taking this course of action, I agree with him, to sponsor an amendment to a bill to double the residency tax. It is surely political suicide. But in the area of the people of New Hampshire, an individual that does

make \$200 a week with two or three children and the wife works and the both of them are the sole providers within the family, the children being 16, 18 and 20, that means he would have to pay \$100 a year to live here in the state of New Hampshire which I think is very unfair. I believe that New Hampshire has come to a point in history, that is a haven for the very wealthy and to hell with the working man. I think that this type of legislation or amendment submitted to a bill that was defeated two or three times in the house will surely be defeated again. But I must admire Senator Rock he has taken the ground at this late date to submit such an amendment.

Sen. BOSSIE: Senator Fennelly, if one instead of living in Nashua New Hampshire lived over the border in Methuen, Massachusetts, and were making \$150 per week and making the same and had the same kids, would they not still be paying a sales tax also an excise tax on new motor vehicles and numerous other taxes our people don't have to pay?

Sen. FENNELLY: It is very true Senator Bossie. In one respect the capital gains tax which was just defeated and as I looked in the balcony and saw all the fat cats up there trying to protect their own interest and that tax that wasn't brought out in reply to your question, was not after the farmer who sold an acre it was after a developer or developers say from Nashua, who buys 100 acres off the Everett turnpike at \$4000 per acre, holds on to it for 2 years and sells it at \$16,000 per acre and makes a profit of \$1.9 million dollars. In which the state should have picked up \$96,000 of it. That is my reply Senator Bossie.

Sen. DOWNING: Mr. President, I rise in opposition to this amendment and thereby doubling the residence tax. All the taxes that we do have relate somehow to the ability to pay whether it is the interest and dividends, you have to be fortunate enough to be earning it. Business profits tax, you have to be fortunate enough to make a profit in your business. And yes we have no sales tax and we have no income tax but this is unrelated. You can't sell anything. Whether or not you have any income you have to pay this tax. It is a terrible tax. You would

have done well to have listened to Senator Fennelly earlier in this session when he was developing a bill in the tax program that would have abolished this tax that is on the books now. Maybe the bill that he had wasn't perfected enough to be satisfactory but the intent of eliminating this tax had a great deal of merit. It is a terrible tax it has a complete disregard for the individual to pay and it does impose a penalty on the poorer person in our state that can least afford it. I urge you to defeat it. It is terrible and disgusting.

Sen. BLAISDELL: First of all I want to apologize to you Senator Rock. I had another word for that but I just couldn't speak of it on the senate floor but if I had said the other word I probably would have been thrown out of here on my ear but I want you to know that I have all the respect in the world for you and I think you have a lot of guts to put something like this in. I am going to oppose it, I guess I'll have to listen to my constituent who said he had nothing but contempt for me if I pass this. I am going to vote his mind tonight. I voted for the business profits tax and one time I voted for the rooms and meals tax, changed my mind. I think I have been that good soldier and tried to do the things that were right. I voted for medical malpractice too, lawyer Bossie and I will vote for products liability if we can ever get it off the table. I just think really we are doing the wrong thing and if we should pass this C package. I guess Senator Rock I am going to vote against the C package because I think it is one of the worst things that could happen to the state of New Hampshire.

Sen. LAMONTAGNE: Mr. President, members of the senate. I rise in support of the Rock amendment. As much as I hate in voting for an increase of 100% I still feel with all the bills that have been thrown down the drain this Senate we are facing a position where we are going to have to vote some type of an increase in order to be able to get some revenue. Now there is no question about it. You probably have heard or seen in the newspapers where the employees are talking about striking. At the same time you have heard one of their leaders who has mentioned something

about them taking and notifying their department heads that they are sick. I personally feel that this certainly is not going to get us anywhere. The time might come that after two days they might have to have a doctor's certificate in order to keep them in line and I would have to say I would not like to see that happen by law. But right now we have a problem of raising some revenue and I think that right now even so I think it is quite a jump of 100% I would rather see an increase of \$10 with the exemptions that are on this amendment than to turn around and say this is for this year. Instead of folling around with pennies, therefore I support the amendment.

Sen. Foley moved the previous question.

Adopted.

Sen. Blaisdell requested a roll call. Seconded by Sen. Lamontagne.

The following Senators voted yea: Lamontagne, Poulsen, Gardner, Monier, Trowbridge, Rock, McLaughlin, Sanborn, Provost, Brown and Bossie.

The following Senators voted nay: Smith, Bradley, Bergeron, Saggiotes, Blaisdell, Keeney, Hancock, Healy, Fennelly, Downing, Preston and Foley.

11 yeas 12 nays

Amendment failed.

Sen. Downing moved to lay HB 1205 on the table.

Motion failed.

Sen. Monier moved that HB 1205 be referred to interim study by the committee on Ways and Means.

Division vote: 11 Senators voted yea. 12 Senators voted nay.

Motion failed.

Sen. Preston moved that HB 1205 be laid on the table.

Division vote: 11 senators voted yea. 12 senators voted nay.

Motion failed.

Sen. Trowbridge moved an amendment to HB 1205.

Sen. TROWBRIDGE: Mr. President, one of the objections of the bottlers to the soda pop tax was the fact that they were in competition with other soft drinks in the form of iced tea, HI-C, that kind of thing which was not

carbonated. That is why I am saying in extending the tax of 15c a gallon from the carbonated side which would include all bottled or canned, nonalcoholic beverages and that would be the definition, a broader definition and as such Mr. President I think under our rules that would be a different tax and not already indefinitely postponed.

Sen. ROCK: Senator Trowbridge, would this include in the supermarkets, on the shelves, a 46 oz. can of Hawaiian Punch?

Sen. TROWBRIDGE: Would this include at the Hayward's apple cider stand a gallon of apple cider?

Sen. TROWBRIDGE: Yes it is nonalcoholic.

Sen. ROCK: Would this include in the dairy case of the corner grocery store, ½ gallon of orange juice?

Sen. TROWBRIDGE: No.

Sen. ROCK: Would it include ½ gallon of orange drink on the shelf in the supermarket?

Sen. TROWBRIDGE: Probably.

Sen. ROCK: What is the difference between orange drink and orange juice?

Sen. TROWBRIDGE: Bottled or canned. Most of the other ones come in cartons.

Sen. ROCK: Senator have you done any shopping in the supermarket lately?

Sen. TROWBRIDGE: Yes I have.

Sen. ROCK: And do you see the ½ gallon jars of orange drink next to the ½ gallon bottle of orange juice?

Sen. TROWBRIDGE: I haven't been to the same supermarket that you have and going down aisle E with you I am not sure whether that is going to work. The definition obviously can be defined if this senate wants to stretch itself a little bit to raise some revenue. If it does not then there is no point in discussing ad infinitum.

Sen. ROCK: I am just asking Senator is the can of orange juice next to the can of Hawaiian punch included?

Sen. TROWBRIDGE: Canned orange juice? I don't know about canned orange juice.

Sen. ROCK: 100% pure orange juice. It comes in a 46 oz. can and it is right next to the Hawaiian punch, is that included?

Sen. TROWBRIDGE: I'll have to think about it.

Sen. FENNELLY: Senator Trowbridge, on the original soda pop we were estimating about \$8 million, have you revised your thinking pertaining to the revenue in this, would it be about \$10 million or somewhere there because of the area?

Sen. TROWBRIDGE: It has to be higher in that you are taxing more soft drinks. Yes.

Sen. SANBORN: I assume that milk is not in this.

Sen. TROWBRIDGE: Yes. I think with a little kind of common sense in drafting to make sure that that kind of thing which we are obviously talking about soft drinks, the non-necessities and not about milk or orange juice etc.

Sen. MONIER: Just so that it is a matter of record that what we are doing here with this particular amendment which would be met with laughter if allowed in, is to circumvent indefinite postponement of carbonated beverages and as such then I would ask the chair if they would rule on that when it is done.

The CHAIR: The chair would state that in the 1969 session a similar circumstance arose with regards to the question of abortion and a second bill came in that was similar to but not exactly the same. The chair at that time moved that that bill was allowable in even though the original bill on abortion had been indefinitely postponed. The chair was challenged on the ruling and the chair's ruling was sustained. Based on that precedent that this bill incorporates more in terms of subject matter than HB 1203 and the chair will make the same ruling that the amendment is admissible and does not come under the rules of indefinite postponement as stated in rule 9.

Sen. MONIER: I will make it a public statement that I will not challenge the chair on this but I would like to publicly state for the record that I think that your analogy of the abortion one was an excellent analogy because I think that the person who has tried to present this amendment has publicly admitted on the floor that it is to

circumvent the 2/3rds rule, was that also part of that precedence established with the abortion bill.

The CHAIR: To the chair's recollection that was not the issue and the question of circumvention is not a question that the chair can rule on.

Sen. SAGGIOTES: Mr. President is it your understanding that the main part of this amendment is the carbonated beverage bill?

The CHAIR: It is the chair's understanding that HB 1203 has been altered so as to include in the taxing process not on the carbonated beverages but noncarbonated beverages so that the base of 1203 has been altered so as to include a wider range of that section.

Sen. SAGGIOTES: Was it your understanding that the revenue to be raised by this would be roughly about \$10 million?

The CHAIR: The chair heard that statement that it would be around \$10 million.

Sen. SAGGIOTES: And was it your understanding that the carbonated beverage bill would bring in roughly \$8 million dollars?

The CHAIR: It was so stated.

Sen. FENNELLY: Senator Trowbridge, if this bill was put in orange juice which has great consumption in the state but it is almost as high as tonic on 15c per gallon next to milk. Would our figures also go up higher on that percentage.

The CHAIR: The chair will further expound on the theory of modified bills with respect to SB 19 was indefinitely postponed, it dealt with 80,000 wt. HB 29 dealt with 80,000 wt. in expanded form and the chair permitted that bill under the same precedence.

Sen. LAMONTAGNE: I must say that SB 19 and the house bill were completely different and the reason for it is that SB 19 was only on interate highways and the house bill had a formula to go along with the 80,000 lbs. which made it completely different than the Senate bill.

Sen. ROCK: Would the chair delineate for me where we are now and under what issue we are discussing the present matter before the Senate?

The CHAIR: Senator Trowbridge has offered an amendment to HB 1205 of which the basic language is that of HB 1203 but changing the thrust a bit by expanding the base taxation to include nonalcohol soft drinks or beverages.

Sen. ROCK: Based on the questioning that has ensued subsequent to the Senator's introduction of the amendment and because of the difficulty in determining what is included, could I ask whether under the rules of the senate we might not ask that we follow the rules and have this amendment before us as the rules call for or send the rules by a 2/3rds vote so that we don't have to have it before us in writing because I am having difficulty where the orange juice is and where the Hawaiian punch is?

The CHAIR: Senator in the precise nature of the rules you're exactly right and I did rule to relax the rules as we have on other occasions. There was no challenge to it at the moment, however, I am willing to accede to the senate's wishes if they so desire to have the complete amendment.

Sen. Trowbridge withdrew the amendment.

Sen. Bossie moved a further amendment to HB 1205.

Sen. Bossie requested a roll call. Seconded by Sen. Saggiotes.

The following Senators voted yea: Bradley, Bergeron, Saggiotes, Blaisdell, Trowbridge, Hancock, Healy, Sanborn, Brown, Bossie, Fennelly, Downing, Preston.

The following Senators voted nay: Lamontagne, Poulsen, Smith, Gardner, Monier, Rock, McLaughlin, Keeney, Provost, Foley.

13 yeas 10 nays

Amendment to HB 1205

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

imposing a tax on the transfer of motor vehicles.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Tax Imposed. Amend RSA 260 by inserting after section 19 the following new sections:

260:19-a Tax on Transfer. There is hereby imposed a tax upon the transfer of ownership of any motor vehicle, including motorcycles and mopeds, at a rate of 2 percent of the standard book value, as determined by the commissioner of revenue administration. This tax shall be collected by the director of motor vehicles at the time such transferred vehicle is registered, and all revenues shall go to the general fund.

2 Effective Date. This act shall take effect January 1, 1978.

Amendment adopted.

Sen. Lamontagne moved that HB 1205 be referred to Ways and Means for interim study.

Sen. BERGERON: Mr. President, I rise in support of the motion. All of a sudden the light has dawned. I was under the impression that we passed an amendment that affected new cars, big Lincolns. As I started to read through, not only are we talking about the big Lincoln we are talking about the little moped and we are talking about any transfer. I have been concerned all evening long with a \$10 increase in the residence tax. That bothered me. But all of a sudden, lo and behold I voted for \$120 tax increase and a sales tax at that. That doesn't make much sense and it doesn't make me very consistent,

therefore, I ask my colleagues to take a second look at this and really consider what we have done. It is incongruous with everything that we have been discussing tonight and I hate to have to say this but boy, were we wrong.

Sen. BOSSIE: Senator Bergeron do you realize that we now have an excise tax on automobiles?

Sen. BERGERON: Senator Bossie, I just don't want to be put in the position where I have just helped pass by one vote, a sales tax. Which is what I have done.

Sen. BOSSIE: Senator Bergeron, if you look at your revised statutes, annotated, do you realize that every year there is an excise tax based upon motor vehicles, based upon their value and weight and paid to the cities and towns of this state that that is an excise tax and you call it what you want, it is still a tax. This is just an additional tax and it will go all to the state. What is the difference?

Sen. BERGERON: I think in answer to that if you were to tell me that you were going to replace the tax that you are paying now for motor vehicle registration or replace it with this, I still don't think I could buy it but it would make more sense. You're talking about an out and out no holds barred, state sales tax.

Sen. BOSSIE: Senator do you understand that if we inserted new in front of this, then you would vote for this sales tax but not if it was old and new?

Sen. BERGERON: I think Senator my original reaction to taxing the Lincoln is in line. I think there was some man in Washington that came out with an idea of taxing gas guzzlers. Maybe I could buy that. If that is what you are proposing I would be more than willing to sit down and look it over and probably vote with you on it. But how about the man with the pinto or the volkswagen?

Sen. BOSSIE: Sir, do you realize that those cars that are ecologically better and safer than Americans are those that are perhaps cheaper in price and therefore the excise tax would not be much and do you further realize that President Carter is proposing in his energy message to Congress an excise tax at the federal level on all cars

based upon their energy usage. So there will be a sales tax at the federal level. Why can't the state of New Hampshire get some of this money?

Sen. BERGERON: This is in your opinion, what is going to happen. I am not so sure of it but you are not going to sit back now that I know what went on to voluntarily to agree to vote for a sales tax in the state of New Hampshire.

Sen. LAMONTAGNE: Mr. President, members of the senate now let us get down to brass tacks and stop and think what this is going to do. If you people don't send this to a study committee I am telling you now you are talking about loss of revenue because don't forget that this is a sales tax and I don't care if it is federal or not. If you turn around and put this tax on cars as it has been done now I am telling you now that you are going to loose revenue and you are going to lose it in the business profits tax. If you turn around and put a sales tax on these cars now your profit tax is going to decrease and you don't have to be an expert to know anything about those figures.

Sen. ROCK: Senator Lamontagne, I know that you voted for the modest increase in the head tax. Senator Bossie has just told us and I am sure you are aware that when we go to register our car each year we pay anywhere from \$50 to \$75 to \$100 excise tax that goes to the city of Berlin or wherever. That is tax number one. You also heard Senator Bossie say that the great white father is going to put another tax on cars depending on how many pounds they weigh so that is going to be tax number two. And you are going to add a third tax onto the guy with the Pinto at \$5900 is \$120 he pays to the state, \$35 to the town of Nashua, and on a new Pinto another \$120, that now is \$240, of course he may have to

pay a federal tax also and you would rather have that, I don't think, than a \$10 head tax, does that make any sense to you?

Sen. LAMONTAGNE: I want you to know that I would rather see the \$10 where the \$10 would hit everybody. What I am worrying about Senator, is that they are going to go into another state because of the tax that has been put on in this state and therefore they will not be buying their cars in this state because regardless of whether it is a cadillac or whether it is a chevrolet like I have, they are going to the State of Maine and buy the cars and if the car is bought in another state then you are not going to get any funds towards these cars that have been bought out of state because you are not going to have it through your business profits tax, you are going to lose.

Sen. ROCK: Even if they could find a way to circumvent the fact that they bought it out of state and they still got you when you went to register it, they made you pay it, we are still being much more oppressive in our taxation than we would be with the head tax.

Sen. TROWBRIDGE: Senator Lamontagne just for the record, it is quite clear in the bill that the tax would be collected on registration in the state of New Hampshire so it doesn't matter whether they buy it in Arizona or Maine, the tax would still be imposed when you register in the state of New Hampshire, it is right in the bill. So that competitive advantage has nothing to do with this bill.

Sen. FENNELLY: Thank you Mr. President. I gave an estimate figure over the biennium of \$16 million dollars and I might have to go up \$17 million because of the amount of trucks I am working on here but all night we have listened to revenue bills being voted down, we have put amendments to different bills. On the Fennelly, Downing, Bossie amendment will raise \$16 million dollars. Everybody wants the state employees to get a raise. Everybody wants it, here is the vehicle for which they can get that raise. I know to a certain degree who will

lose in this. A lot of people say well, it is going to be \$120 dollars. You can believe in the automobile business, which is probably the most competitive business today in America, the dealer can absorb to a great degree and will absorb that 2% out of his pocket or at least 1% because competitive of that business today 1 or 2% on buying a car will be the difference. So it is not going to be absorbed all by the individual.

Sen. MONIER: Mr. President, I will be very brief. I have kept very still about this because I haven't had a chance to get a word in edgewise but one, I don't have a Lincoln. I don't believe you, Mr. President have a Lincoln, you have some kind of a small little car, something like an Aspen and I have a VW and I just went out to check and found out if I sold it I would have to pay a tax on this, so I am going to support Senator Lamontagne's motion. But I have a suggestion that if we are going to continue this maybe we ought to put a tax on all four wheels it would be four times as much. It might help a little bit.

Sen. Bossie requested a roll call. Seconded by Sen. Fennelly.

The following Senators voted yea: Lamontagne, Poulsen, Gardner, Bergeron, Saggiotes, Monier, Rock, McLaughlin, Keeney, Sanborn, Provost, Brown.

The following Senators voted nay: Smith, Bradley, Jacobson, Blaisdell, Trowbridge, Hancock, Healy, Bossie, Fennelly, Downing, Preston, Foley.

12 yeas 12 nays

Motion failed.

Question of ordering to third reading.

Sen. Rock requested a roll call. Seconded by Sen. Lamontagne.

The following Senators voted yea: Smith, Bradley, Blaisdell, Trowbridge, Hancock, Healy, Bossie, Fennelly, Downing, Preston.

The following Senators voted nay: Lamontagne, Poulsen, Gardner, Bergeron, Saggiotes, Monier, Rock, McLaughlin, Keeney, Sanborn, Provost, Brown, Foley.

10 yeas 13 nays

Motion failed.

Sen. Rock moved a further amendment to HB 1205.

Sen. Lamontagne requested a roll call. Seconded by Sen. Poulsen.

The following Senators voted yea: Lamontagne, Poulsen, Gardner, Monier, Rock, McLaughlin, Hancock, Sanborn, Provost, Brown and Bossie.

The following Senators voted nay: Smith, Bradley, Bergeron, Saggiotes, Blaisdell, Trowbridge, Keeney, Healy, Fennelly, Downing, Preston, and Foley.

11 yeas 12 nays

Amendment failed.

Sen. Monier moved that HB 1205 be laid on the table.
Adopted.

HOUSE MESSAGE

The House has voted to adopt the Committee of Conference report on HB 1000, The Operating Budget.

Sen. Bergeron moved that HB 1205 be taken from the table.

Sen. BERGERON: Mr. President I think at this time, that the chips are down and it is quite obvious that some of us that had certain things in mind, things aren't quite going to work out that way, we are down to the nitty gritty, we are going to go B or C. I think now some of us, I am talking about myself particularly, are now going to fish bait as to what we want to do. I have always maintained that I wanted the state employees to have a 7% raise now, effective July 1, now. In my opinion, and after talking with some other members in the last two minutes, they are willing to let this go, vote on the budget for C which I think may be a travesty and I think I should reassess my position on that basis. I want a pay raise for the employees, I would have liked to have had both ends against the middle, I would have loved to have a cut and a pay raise. It is very obvious to me now after this long day, that I cannot have both. Therefore, I am going to ask that 1205 be brought back and I am willing to vote on it again.

Adopted.

HB 1205, imposing a tax on the transfer of motor vehicles.

Sen. Rock moved an amendment to HB 1205.

Sen. ROCK: This is the least offensive and the easiest to bear for the greatest number of people in the way of a modest increase. I have divided it by days, I could divide it by hours or minutes. Any way that you cut it we are saying that the increase is a \$10 per annum additional tax on those residents of the state who are between the ages of 18 and 65 who in that age bracket are most able to pay and it is certainly much more fair and equitable than a 2% tax on their automobiles or capital gains or some of the other things. I ask everyone to take a searching look and try one more time to vote your conscience and vote for what I believe is the necessary pay raise the the state employees, beginning with the current pay period and a less offensive cut

in state spending that would be necessary if you go with no increase on plan C.

Sen. BLAISDELL: Senator Rock you are talking about funding the pay raise with this head tax?

Sen. ROCK: I think Senator I should correct that. Senator Trowbridge was quite properly correct when he previously said to us it isn't fair to say that this one issue will fund the pay raise, it is part of a package and the package is a lot of things. But the pay raise cannot go into effect until we do some kind of an additional increase in revenue and this will help the pay raise and it will help other things too. So I guess I am being unfair when I say that this is earmarked or footnoted for the pay raise. That is not true?

Sen. BLAISDELL: Senator Trowbridge, if we raise the head tax \$10 per person, how much money will it raise?

Sen. TROWBRIDGE: 9.4 million dollars.

Sen. BLAISDELL: How far are we off Senator Trowbridge say for getting into plan B?

Sen. TROWBRIDGE: If we pass and that presumes the house also passes, if the senate then passes this they can then vote on the basis of plan B.

Sen. BLAISDELL: Plan B will give the state employees a pay raise as of now?

Sen. TROWBRIDGE: As of now. On the cities and towns the 3.2 that we have locked out in plan C and you would have a 4½% reduction.

Sen. FENNELLY: I rise in opposition as I have before pertaining to the increase in the residency tax. Now we are not going to get off the hook here this evening. We just rejected a \$16 million package plan on the 2%. We voted against the capital gains, the house has done their job and we think to a certain degree we are going to be kind of cute here and put this back into the house. Every senator here knows that the house will kill that amendment. So we are going to say to ourselves, we have done our job. We voted this up under the amendment and send it over there to raise 9.4 million dollars. But I am not going to tax 60,000 people in my county of Strafford and

I think it is a disgrace that any other senator wants to tax that many people in my county.

Sen. Monier moved the previous question.

Adopted.

Sen. Sanborn requested a roll call. Seconded by Sen. Provost.

The following Senators voted yea: Lamontagne, Poulsen, Smith, Gardner, Bergeron, Monier, Blaisdell, Trowbridge, Rock, McLaughlin, Hancock, Sanborn, Provost, Brown and Bossie.

The following Senators voted nay: Bradley, Saggiotes, Keeney, Healy, Fennelly, Downing, Preston and Foley.

15 yeas 8 nays

Amendment to HB 1205

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT increasing the residence tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Resident Tax Increased. Amend RSA 72:1 (supp) as amended by striking out said section and inserting in place thereof the following:

72:1 Persons Liable. A tax of \$20, to be known as the "resident tax" shall be assessed on every inhabitant of the state from 18 to 65 years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars, conflicts or armed conflicts in which it has been engaged, the widow of any citizen who served in the armed forces of any

country allied with the United States in any of the wars, conflicts or armed conflicts as defined in RSA 72:28 or 29, and others exempt by special provisions of law. The exemption herein provided for a widow shall be available only until she remarries.

2 Distribution. Amend RSA 72:5-a (supp) as inserted by 1971, 476:4 as amended by striking out said section and inserting in place thereof the following:

72:5-a Distribution of Resident Tax. The tax collector shall forward to the commissioner of the department of revenue administration 50 percent of the residence tax collected pursuant to RSA 72:1 to be deposited with the state treasurer in the general fund of the state. Fifty percent of the residence tax collected shall be retained for the use of the town or city in which they are collected.

3 Effective Date. This act shall take effect March 31, 1978.

Amendment adopted. Ordered to third reading.

(Sen. Fennelly, Downing, Foley, Keeney, Healy, Preston and Saggiotes recorded in opposition to third reading.)

SUSPENSION OF RULES

Sen. Rock moved that the rules of the Senate be so far suspended as to allow HB 1205 be placed on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

HB 1205, increasing the resident tax.

Adopted.

ENROLLED BILLS AMENDMENT

SB 56, establishing an adoptive care act.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to **SB 56**

Amend RSA 170-F:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

170-F:8 Funds. The director is authorized to make payments under this section from appropriations for the care of children in foster homes, to seek and accept funds from other sources including federal, private and other public funding sources and to require the county, city or town, which would be legally chargeable for the support of the adoptive child, if said child was the charge of the county, city or town, to make payments to carry out the purposes of this chapter. The amount expended by any county, city or town for any subsidy shall not exceed the amount which would be paid by the county, city or town before said child was adopted. In no event shall any county, city or town be liable for a subsidy under this chapter if it is not legally responsible for said child's foster care.

Amendment adopted.

ENROLLED BILLS REPORT

SB 48, forbidding entertainers less than 17 years of age from working in places where liquor or beverage is sold.

SB 105, relative to registration fees for certain foreign non-profit corporations doing business with the state.

SB 253, relative to the examination, certification and registration of arborists and making an appropriation therefor.

SB 265, concerning the selection of jurors.

SB 276, concerning the penalties for using unapproved insurance policy forms.

SB 335, relative to the establishment of a division of graphic services and making an appropriation therefor.

HB 537, relative to licensing pet shops and certain animal shelters.

HB 968, eliminating the 5 year requirement for reassessment of property held by a municipality for water supply or flood control purposes.

HB 1091, relative to overseas citizens' voting rights.

Sen. Lamontagne for the committee.

HOUSE MESSAGE

The House requests the concurrence of suspension of the Joint Rules to permit the transmittal to the Senate of HB 584, imposing a tax on capital gains, after the deadline established by Joint Rules.

Sen. Saggiotes requested a roll call. Seconded by Sen. Fennelly.

The following Senators voted yea: Smith, Bradley, Blaisdell, Trowbridge, Keeney, Hancock, Healy, Fennelly, Downing, Preston and Foley.

The following Senators voted nay: Lamontagne, Poulsen, Gardner, Bergeron, Saggiotes, Monier, Rock, McLaughlin, Sanborn, Provost, Brown and Bossie.

11 yeas 12 nays

Motion to transmit HB 584 failed.

COMMITTEE OF CONFERENCE REPORT

HB 1000, An Act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979.

Sen. Trowbridge moved to adopt the committee of conference report on HB 1000.

Sen. Lamontagne moved the previous question.

Adopted.

Senator Fennelly requested a roll call. Seconded by Sen. Foley.

The following Senators voted yea: Lamontagne, Poulsen, Gardner, Bergeron, Saggiotes, Monier, Rock, McLaughlin, Sanborn, Provost, and Brown.

The following Senators voted nay: Smith, Bradley, Blaisdell, Trowbridge, Keeney, Hancock, Healy, Bossie, Fennelly, Downing, Preston and Foley.

11 yeas 12 nays

Motion failed.

DISCHARGE

Sen. Trowbridge moved that the committee of conference on HB 1000 be discharged and that a new committee be appointed.

Sen. TROWBRIDGE: Fortunately, earlier in the day we went through the outline of the committee of conference report. I think most people here know more or less the outline of plan A, B and C. Plan A is obviously inoperative, plan B is obviously inoperative. So that you are voting if at all on plan C. Now plan C is the committee of conference report which would require on your sheet. If none are passed, neither of the two taxes which obviously are not passed, you have a 5½% cut which is \$25.9 million dollars, 25.9 million dollar cut that will come out from the budget plus you would have 3.2 million dollars that would be 1.6 of which would be the extra on the cities and town and the nursing home and secondly, the pay raise will not go into effect until October 8th. That is what you are now left with, the one, the only available option. If anybody wants to get into what the differences between the house and the senate the little backs and forths I am happy answer any questions on that so far,

that has not been a serious bone of contention that I know of so I will not go through the whole listing unless somebody wants me too. I must say from my own position that when we formulated this budget in the committee of conference we really did have the feeling that perhaps plan A but certainly plan B, that one of the two taxes would pass. When you are talking about the cuts that are involved in plan C you are essentially talking about a level of spending which is about \$1.4 million above the governor's original budget, a budget that was rejected by both the house and the senate resoundingly. I for my own part even though I am a conferee, I was technically asked to come back with a series of recommendations so that you would have the option. We made up plan C which was obviously not our first choice being the last. I for my own part would not vote for plan C and do not intend to. You can do what you like but at that point you are asking this state to go backwards below the level of spending in many cases of the 1975, 76 budget. If you think that you can do that successfully then bully for you. That is not my position. I will answer any questions on the committee of conference report that you have.

Sen. BRADLEY: We really have two options. We can vote for plan C or we can vote for no budget at all. It seems to me to be pretty irresponsible to vote for plan C. Is there a responsible alternative of voting this thing, not voting, or a continuing resolution or whatever?

Sen. TROWBRIDGE: A continuing resolution if it were passed will get you just a little bit of time. You will be into mid-July when the first payments go out, for instance, on the business profits tax. That will go out not at the level of 5% up in the first year and 5% in the second year. It will go out as of the 1977 level. Now if you want to do that again, bully for you. But that continuing resolution would have to compel that. The only continuing resolution that you could have would be to spend at the level of Chapter 505 for the laws of 1975. That is the only possible thing that you could do. That is the thing that we are operating on till June 30 of this year. You

would have to continue that level of spending alone. Those levels of spending do not include any of the inflationary factors, do not include any of the payments for the certain material like the NCR registers and the last payment for the Honeywell computer and all of that are not in there. So that you can pass the continuing resolution but you are only kidding yourself that you are going to come back and rebudget. If you want to do that in July, let it in.

Sen. BRADLEY: If the senate were to vote against the budget bill what actions would we take after that or what action would you suggest we take after that?

Sen. TROWBRIDGE: I would suggest that we vote on the budget. Now it may very well pass plan C in which case there is no problem except for the state employees who will now play a triage game whereby the 9 who survive are living off the salary of the one that is left. But other than that, sort of Andy's routine, that is what is going to be happening. But it can pass and it can be implemented. At this point I would say that I would like to see whether the senate wants to say that they are not satisfied with plan C. Until there is some expression in this senate that that is not an acceptable level, I don't think that we will get anybody to concede that perhaps some of these things have been reasonably going through or presented to the senate such as soda pop or all of these things, that could have been passed but for the fact that the governor put the word back that he was going to veto it and all the troops fell in line as usual with a nonthinking atmosphere that you are not going to have a change of attitude at all unless you say okay, you don't have a budget. And you just can't buffalo this legislature down the line by threats or veto all day long. And I think that is the way we should handle it for today.

Sen. FENNELLY: Senator Trowbridge, on plan C if I was going to vote for this budget under that plan, would I actually be voting for the layoff of 500 or 600 state employees over a period of time? Would that be one of the things that I would be voting on?

Sen. TROWBRIDGE: When you consider, Senator

Fennelly, that about 60-65% of the budget is in personal services in one size or another, there is no way that you are going to be able to cut the budget without cutting into personal services, that is my point. There are a great many of these departments that have no grants, that go out in the communities. The only thing they have are personal services, operating expense, equipment and that kind of stuff. So to get through all that kind of stuff, you have to take it out of personal services. I have not made a firm commitment but it was the original intention of the governor that you would make up your \$7 million cut by 10% of the state employees. There being a 1000 of them, 800 would be 10%. Whether there will be under the formula that we have here, 800 or 500 or 400 I cannot say. But it is in that range.

Sen. FOLEY: Senator Trowbridge, if I were to vote for plan C as it is right now, would I then be putting a \$1.6 million dollars an extra burden on the cities and towns with no way that they will be reimbursed?

Sen. TROWBRIDGE: No question about it.

Sen. BLAISDELL: Senator Trowbridge, if we vote for plan C, how much of a reduction will it be in the University of New Hampshire budget?

Sen. TROWBRIDGE: Since everybody goes at 5½% that will be 5½% of \$44 million is \$2.2 million.

Sen. BLAISDELL: Would you agree with me Senator that the day has come in New Hampshire when we are now sending just a rich man's child to school and the average man's child cannot afford to go to the University?

Sen. TROWBRIDGE: There is no question in my mind that you are insuring a bigger tuition increase at the University of New Hampshire if you pass this budget and remember again, that the University got no cost of living increase at all. All it has is the \$5.4 million that we have in here for the pay raise. We have taken care of the pay raise.

Sen. BLAISDELL: Senator Trowbridge, I know the hard work that you have put into this thing because I think that without you in Senate Finance it wouldn't be Senate Finance. I know what you have done in the com-

mittee of conference and I commend you for it. But too sir am going to vote against this budget because I think today, tonight, this morning, is one of the darkest days that has ever hit the state of New Hampshire and we are going to live to rue the day, members of this senate, that it has come. I'm sorry for this state and I hope you know what you are doing because we have taken such a step backwards. It is going to take us a long time to recover. I think personally that when you mention the vetos of the governor, I don't think that it should even be mentioned in this room or in the room next door, I think we should do our business in this room without that threat. I apologize to you Senator Saggiotes for sitting on the same conference committee with you and working hard. It looks like we didn't do our job the way we thought we did. I am going to vote against it.

Sen. SAGGIOTES: Senator Trowbridge, I too would like to preface my question with the same remarks that Junie Blaisdell stated about your chairmanship but in reference to the question that Senator Fennelly asked you regarding the elimination of state personnel, under plan C and the discussion that we had in the committee of conference what order of priority would that come under?

Sen. TROWBRIDGE: What we said was that under plan A, B or C which all had various levels of cuts, that we suggested to the department heads that in their cutting process, that we thought the order of priority would be take equipment first, current expense next then in-state and out-of-state travel and then into temporary personnel then into permanent personnel and last into class 90 where it was direct benefits to human beings in the state so that we thought and I agree entirely that that is the order of priority that you would use. All I can say is that you can take a look at the budget and the normal PAU and you pick it up and you will find personal services let's say at \$32,000, equipment at \$2,000, current expense at \$7,500, in-state travel at \$50.00 so you can go to Gardner, Mass. for some big deal, right? This and that. This is the normal PAU so at that point when you analyze those things and you take a look at them, those

are the areas where they are going to say well the equipment is for something that is absolutely necessary or we don't exist. You go through for current expense and it is for telephone and postage, that kind of stuff without which the personnel can't operate. If they can't get and travel from Concord to Rochester and back they can't do any service to that community. So at that point that manager can only say if he is going to take 5½% out of that budget there is no way he is going to take it out without going into personnel. And there are 100's of PAU's in that order. Even though we have with the bigger agencies such as welfare let's say, which has a lot of things and a lot of class 90 if you excluded them from going into class 90 except in dire emergencies, Arthur Drake is going to have to work backwards and it is going to be personnel. I know it is. The equipment that we give them is the equipment that runs the setup and that kind of stuff which is essential for their getting their federal funds and in every single case in welfare they have a level of maintenance which they have to preserve and they are going to be in real trouble. You talk to anybody who is semi-professional on the budgeting of this state and you're going to see all sorts of things come apart. And it is going to land on state employee's because they make up the greater part of the budget for the state of New Hampshire.

Sen. BLAISDELL: In other words, Senator Trowbridge, what you are saying is that probably the last items that would be cut would be grants to the communities and permanent personnel?

Sen. TROWBRIDGE: I am saying that but when you take a look at what those numbers are relatively, in the budget process, the biggest numbers are grants class 90 and the second biggest number is class 10, permanent personnel services and the pyramid that you build up, class 90, class 10, current expense, and the least of them is equipment which is the one which you said is the first to go out. But in that pyramid that is the way the budget is made up. If you took out all the equipment and you need a \$25 million cut here, if you took out all the

equipment that is in general fund, it is only \$3.3 million. If you wiped out every single scrap. So that is why I am saying that when you are going for big dollars it won't be equipment and out-of-state travel that is going to make it up.

Sen. BLAISDELL: And is there a footnotes in the budget that allows for an overview on the part of the legislature as to where the cuts will be made.

Sen. TROWBRIDGE: Yes indeed I explained that before but I think it is worth saying again. What we had proposed is that every department head put forth his plan to make the cut. In the 30 days before he does it nothing would be affected so if he said he was going to cut out 7 positions people would be notified and there would be a month before that became effective. At that point the people would be notified and there would be a month before that became effective. At that point the fiscal committee could still make that personnel cut. For non-personnel cuts cause it doesn't do too much good to do it after they have been laid off, he would file the plan, it would go through for 60 days thereafter you would be able to reverse that decision if you thought it was arbitrary or capricious or something. I think that the feeling would have to be that you would have to take the department heads word on it as much as possible and that you cannot redo the budget bit by bit by bit.

Sen. BLAISDELL: And did you make it perfectly clear to the conference committee that you would take this position regarding choice number C?

Sen. TROWBRIDGE: I think I did, I tried to. I tried to make it clear that that was really, if we got to that point, I was really fudging. That plan C represents something that I have been working on, and many of us not just myself, have been working to avoid for six months.

Sen. BLAISDELL: I think you didn't understand my question. Did you make it clear to the committee as a whole that this is the position that you would take?

Sen. TROWBRIDGE: What I was saying when we did plan C is that I said, at the committee, we thought up plans A, B, and C and at eleven this morning I said I

was not sure I could support plan C. I was hopeful that plan B or plan A would be done.

Sen. BLAISDELL: So now you are saying was that you said that you weren't too sure that you would go along with it?

Sen. TROWBRIDGE: That's right. I have never committed myself to plan C and in looking it over and going back through this afternoon I have found that I simply for my constituency, no talking as a conferee, I was a technician to bring before the Senate and the House, a plan where you had altered it. I certainly voted for that because I think we had to have it but as a Senator from district 11 going to support the plan C.

Sen. BLAISDELL: So you are saying that you did vote for plan C along with A and B?

Sen. TROWBRIDGE: I voted for a committee of conference report which said that if you don't get anything this is what you have to cut because that is just arithmetic, it has nothing to do with policy. Arithmetically that is what you have to do if you don't pass the head tax or the capital gains tax to balance the budget. That is the formula and how it comes out and it doesn't mean that you have to do it.

Sen. BLAISDELL: Senator Trowbridge: we passed a collective bargaining bill last year for our state employees, do you think that this is really keeping faith with that particular piece of legislation?

Sen. TROWBRIDGE: Obviously it is not because the fact finder's report isn't even referred to in the senate budget or the conference committee budget. I don't know how that works out but all I can say is that we always thought that 7% was better than 5%, it is not as good as 11%, we all know that. It is clear that we have not adopted any thing near the fact finder's report.

Adopted.

The Chair appointed Sens. Trowbridge, Rock, and Blaisdell.

Sen. Downing moved that CACR 6 be taken from the table.

Adopted.

CACR 6, Relating to: Meetings of the Legislature. Providing That: The Legislature Shall Meet in Annual Sessions and Receive Mileage for not More Than 90 Legislative Days During the Biennium.

Division vote: 16 Senators voted yea. 4 Senators voted nay.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Lamontagne moved that the rules of the Senate be so far suspended as to allow CACR 6 be placed on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

CACR 6, Relating to: Meetings of the Legislature. Providing That: The Legislature Shall Meet in Annual Sessions and Receive Mileage for not More Than 90 Legislative Days During the Biennium.

Division vote: 16 Senators voted yea. 4 Senators voted nay.

Adopted.

INTRODUCTION OF SENATE BILL AFTER THE DEADLINE WITH APPROVAL OF 2/3 JOINT RULES COMMITTEE

First and Second Reading and Referral

SB 372, to correct errors and omissions from the 1977 session (Brown of Dist. 19; Bossie of Dist. 20). To Administrative Affairs.

SUSPENSION OF RULES

Sen. Bossie moved that the rules of the Senate be so far suspended as to allow **SB 372** be placed on second reading at the present time without the holding of a public hearing or proper notice in the journal.

Sen. BOSSIE: Mr. President, Senator Brown and I introduced this bill to correct the errors and omissions from the 1977 session. Apparently somebody has been keeping track of what we have been doing and what we have been doing wrong and it is all contained in this bill. A very interesting thing, the bill contains many things that I am opposed to in the first instance and did pass notwithstanding my vote against it. If you would like us to go, we have a sheet explaining what it does. Basically, it corrects errors that were in a number of different bills, I believe it was 6 or 7 bills and if the senate would prefer me to go over them, it would take a few minutes, if you don't that's fine with me. I would be pleased to explain it to the best of my knowledge if you like.

Sen. BRADLEY: Senator Bossie, I take it we have your guarantee, there is only 11 pages of errors that we made in the last six months?

Sen. BOSSIE: I suspect that probably it would be several hundred by the time we got through but I, who knows where the errors are but these are the ones that they caught.

Adopted.

SB 372, to correct errors and omissions from the 1977 session.

Out to pass. Sen. Bossie for the committee.

Sen. Bergeron moved an amendment to **SB 372**.

Sen. BERGERON: Mr. President, I just have a simple little amendment. An amendment correcting an error of

omission. It simply rights a wrong and I would just for the edification of the members of the senate I would like to read a letter sent to Senator Trowbridge and I quote: Enclosed please find a request for a counterclerk 3 and a counterclerk 4 with supporting expenses to cover the cost of operation of a motor vehicle substation. The substation is being proposed for Strafford county probably in the vicinity of Rochester. This substation will cover a population in excess of 100,000. The closest substation is Portsmouth which is approximately 20 miles away from Concord, 35 miles away, and Moultonboro, in excess of 35 miles away. This substation will relieve the mail load at Concord and traffic at the Portsmouth substation. The funding will be 100% highway with a 1978 appropriation requirement of \$61,345 and a 1979 appropriation of \$22,131. The greatest expense will be in purchasing equipment, computerized cash registers, desk, chair, file and adding machine. The other costs will be recurring costs required to operate any other substation. Based on the anticipated revenues such a substation will be justified. It is anticipated that such revenues will be in excess of ½ million dollars a year. Respectfully submitted, Richard M. Flynn, Commissioner. I urge the adoption of the amendment.

Sen. FENNELLY: I rise in opposition to the pending amendment. I see no reason, the thing is very good but I see no reason to have a substation in Rochester which is really not the center of Strafford county. We all know where the center is. It is right in Dover. So I rise in opposition to this amendment.

Sen. TROWBRIDGE: I say—let the substation fly!

Sen. MONIER: Maybe I am mistaken but isn't this a rider bill within which we have and which refers primarily to the budget bill. In most cases there are one or two exceptions to it. If the budget bill is now back in committee of conference is this the proper time to take this rider bill up.

The CHAIR: The chair will rule that since the budget bill is not passed that this amendment is not in order.

Sen. MONIER: There are several amendments to this

bill of which Senator Bergeron's is one, all of which that I am aware of anyhow, refer directly to HB 1000 and as the committee of conference brought it in. Now if therefore, since we no longer do have HB 1000 committee of conference with us, my question to the chair is this rider bill going to be available at the time that the next committee of conference bill comes in which such amendments could be made to make corrections.

The CHAIR: That is a possibility but this amendment is not in order at the present time.

Sen. MONIER: The one that Senator Bergeron has offered. Is that because as I inquired this is an amendment to a bill that presently now is back in committee of conference?

The CHAIR: It is because HB 1000 has not passed.

Sen. MONIER: Would it be in order at this time to take this bill SB 372 which is a trailer bill to correct things of other things plus the budget and to place it on the table until such time as we have a budget in front of us?

The CHAIR: To lay SB 372 on the table is a proper motion at this time.

Sen. MONIER: Does that mean then that the bill once we have a budget here so that any possible corrections or amendments that wanted to be offered could be offered to it, that the bill would be available by taking it off the table at the time that we had a budget?

The CHAIR: That would be a possible procedure.

Sen. Saggiotes moved that **SB 372** be laid on the table.
Adopted.

HOUSE MESSAGE HOUSE ACCEDES TO REQUEST FOR A NEW COMMITTEE OF CONFERENCE

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979.

The Speaker has appointed Reps. Roberts, Tucker, Hough, LaMott, and Normand.

Sen. Healy moved that the Senate rescind its action whereby it sent **SB 137** to interim study.

Motion failed.

Recess to the call of the Chair at 2:20 p.m. on June 20, 1977.

Out of Recess.

Sen. Jacobson in the chair.

COMMITTEE OF CONFERENCE REPORT

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal year ending June 30, 1978 and June 30, 1979.

Sen. Trowbridge moved to adopt the committee of conference report on HB 1000.

Sen. TROWBRIDGE: Not always do I do this to music. We should probably sing "Here I Go Again" would be the most appropriate song. As you are well aware, the committee of conference met today at 9:00 o'clock and we met till 1:30 trying to resolve the question that we all have as to a proper budget for the state of New Hampshire. That was the feeling of the committee of conference report that the senate had spoken on Friday morning and in which it rejected plan C as being the only thing available. Plan C as you will remember would have been a 5½% cut plus a shift to \$3.2 million dollars to the cities and towns and away from the state employees. That shift by the way, would have brought the state budget, not counting the pay raise which is a separate item but the operating budget \$3 to \$4 million below the governor's previously recommended budget which he came in with on February 15th would have been below that item.

Since that time we have discovered all sorts of things that were not in there such as the aid to the needy, the pay-

ments to the Honeywell computers, to the NCR's, the prison guards, the reimbursements of the cities and towns in the second year of the biennium, the certificate of title, the trucking contract to the liquor commission and all sorts of things that had to be put into the budget and so it was obviously not possible for me to support the plan C level. Plan B as well, wasn't that much better. All it did was eliminate the shift of 1.6 million to the cities and towns and delay of the pay raise but other than that it was the same as plan C. So we decided to go back and try to work at a level which could be along the lines of the original senate finance version. In order to do this we had to make concessions and I must say I want to complement the house conferees and the senate conferees for having been, I would say, very flexible. But we weren't totally flexible. For instance, Sunday liquor sales was an item that was brought up early in the discussion. Sunday liquor sales has never really been turned down here, it was kept in committee in the senate, been passed by the house twice. The house quite understandably was saying look, we have passed enough revenue to you guys to fund any budget you want. You haven't accepted any. Rather than taking a view that we could never accept any Sunday liquor sales, Senator Rock proposed that we accede to a request to opening up the Portsmouth store number 38 at the traffic circle and store number 50 in Nashua in addition to the ones that are already opened on Sunday or will be at Hooksett and Hampton. So that compromise was done. Secondly, the house has passed quite open and has tacked onto other bills, the sale of wine in grocery stores. There has been a good deal of conversation, discussion about this issue. I think there should be some way of giving the local stores some revenue base in the grocery stores by selling wine, the method being the problem. We adopted the one the we think is least controversial, namely the situation whereby the liquor commission is the wholesaler and the grocery stores are licensed by the liquor commission so that the control factor remains. There would only be two licenses per chain. So there would be no change from that thing

for the beer rules. That seemed to be our least controversial. On the capital gains tax, again, remember we are trying to work back from a \$27.8 million deficit. We have to get within closing range of that figure. On the capital gains tax there are a number of people who are concerned about it but the house has passed it three times twice, by two to one margins so that it is not understandable to the house that we can't consider a capital gains tax. Senator Rock and others raised the issue about it, about cutting it to 5%. That sounds goods until you get the legal opinion from Mr. Hampe who says that if the business profits tax is at 8% and you are taxing capital gains under the business profits tax at 8%, it must be 8% in the interest and dividends tax as well. As a compromise I suggested that we change the minimum, the exemption so that instead of a \$1000 exemption a year, a \$3000 be used so that that person that we were concerned about who might be selling land in order to make gain, in order to pay his taxes or to supplement his income, would have \$3000 of gain not just from transactions but of gain available tax free. That seemed to make a difference and we adopted capital gains on that basis. The most radical change that we had we reestimated that to raise \$7 million. The most radical change was in the soft drink tax. As you will recall, during that late evening I tried to find some way of changing that tax so that it would meet the objections of the industry. Their biggest objection that I could find out and I still think is true, was that we were taxing the carbonated beverages but not the Hi-Cs, the Orange Crushes, that kind of non-carbonated soft drink. I am glad that I did not attempt to redraft that on Friday morning because we never would have made it. Dick Hampe has been working since 11:00 o'clock doing that and that is in your report. In your report you will find that the soft drink tax now does cover the non-carbonated soft drinks. It exempts specifically from the tax, the orange juices, the milks and the food drinks so that you are not cutting into that area. Because we could broaden the scope of that tax to more beverages, at least double in the eyes of the industry and their

estimates, we then said why don't we lower the tax from 15c per gallon to 10c per gallon and that is what is in your report now. It is now estimated to yield \$10 million up from \$8 million but at a lower tax rate. I think we find that that satisfies as many people as possible in that the tax is lower and the competitive aspect has been met. Now during this time as well word came back that the state employees and the state were meeting again in their bargaining process. I guess it is a two-way street. They had heard that we had gotten to this stage in our deliberations and so in addition to all these developments, it developed that they agreed the state negotiator and the state employees, that they agreed at a 7% raise, which is the one that we have been talking about plus some fringe benefits on overtime and holidays and one other thing, the extra mileage payments, so that in your committee of conference report you also have a section which authorizes the payment of the new raises and the overtime and makes it official that if this budget passes any impasse or work stoppage, or slowdown will not take place in that they have signed a valid contract with the state based on what we are doing. So anybody that was holding out and saying that we didn't satisfy the arbitrator's award, the arbitrator's award was there as a milestone, but the state agreement itself is the key. Someone asked me doesn't it have to go through governor and council it only goes through governor and council if they have an impasse there being no impasse the only step left is for us to ratify a budget that takes up that issue. So with all of this going on the Sunday stores, the wine and grocery stores, the capital gains, the soft drink tax, we raised in that package, about \$19 million dollars leaving about \$8 to \$9 million left in abeyance, not accounted for. Now in our normal balance sheet that you have been seeing we have been carrying a \$10.4 million dollar figure for lapses. Lapses are amounts appropriated but not spent. Because of the tightness of the budget you cannot be absolutely sure you will get all those lapses hence we have the figure in here making each department head spend at 98% of his authorized budget in order that we will create an

organized and controlled lapse of 2% in order to cover the last \$9 to \$10 million dollars of the gap between income and expense. That will be reported into the fiscal committee and have the control and the safeguards that we had in plans A, B and C. So rather than droning on, that is the essential element of the compromise. As I said before, the senate finance version looked like something old, something new, something borrowed and something blue and at this point we are at that point, we have been borrowing from this and that, finding areas of accommodation. I must say the house was willing to compromise, the senate was and we have in fact I think made a reasonable effort to come to the level of spending which is only about \$15 to \$16 million dollars above the governor's authorized spending level which is the elements in there that I talked about before. I haven't had time to write them all down but it is like the liquor trucking contract. \$600,000 that he did not have in his budget. You're not going to move that liquor without the trucking contract. CDP to take care of the EMS welfare situation. \$700,000. Computer cash registers at \$200,000. Prison guards extra at \$500,000. The medically needy at \$2.8 million. The reimbursements to the cities and towns, \$2.8 million. Certificate of title picking up at \$700,000. Those kinds of elements that just weren't in his budget cause it wasn't correctly prepared or it made a cut that we were not willing to live with. Those are what add up to the \$15 or \$16 million that we are accounting for. And if you don't want to pass this budget I don't know what you do but you can certainly see that we have spent our time, we have done what we can to bring it up to a level which would be acceptable to all of you.

Sen. ROCK: Senator McLaughlin and my publicity agents in the Nashua telegraph said that they wished that Senator Leonard and Senator Fernando from Manchester were back here, I wish they were back here too, I wish they were on the committee of conference. If we had voted to shift the burden back to the cities and towns would we not have been talking about an additional burden of \$1.6 million per year that we would have to face

our town fathers in city government with answering, why did you shift this back onto us if we had not done what we did in the committee of conference today?

Sen. TROWBRIDGE: No question and it would vary from town to town as well. It is based on the nursing home obligations of that town. Some towns have very few, some have a lot. The other thing would be on the old age assistance, that varies from town to town so that you can impact one town quite highly and another town not at all, so it has that kind of unfairness factor as well. In this budget here we have not I would say, done anything specifically for the cities and towns, direct reimbursement but in the final analysis you have not taken a cent away from the formulas that we had when we started the session.

Sen. ROCK: Senator, is it not true that had we adopted plan C or even plan B that the University of New Hampshire was given no appropriation for meeting increased energy costs, for meeting inflation costs, for meeting increases in debt services and if we had mandated a 5% cut, and not given any increase to the University, that there would have been a real rough time at Durham, Keene and Plymouth to meet that budget?

Sen. TROWBRIDGE: No question. You have to remember that when we gave the University nothing more in its operating budget, its own increase in the debt service at the University itself, paid into that appropriation by about the tune of something like \$4 to \$500,000 anyhow. Put on top of that a 5% cut of about \$2.2 million, and they would have been \$2.7 million below the spending level, actual, of last year and that in a rising inflationary environment, is almost impossible.

Sen. ROCK: Is it not true that that could have meant a \$200 per student increase for in-state tuition?

Sen. TROWBRIDGE: You were the one who was calculating that and I agreed with the calculation, it seemed to be logical.

Sen. ROCK: Is it not true Senator, that the way we have voted the capital gains tax as a part of the budget, we have in fact sunseted it because it is not an RSA, it

will go out of existence unless it is redone in some fashion next time the budget comes around so we will have a chance to see whether or not the capital gains is going to work, to see whether or not it is a hardship, to see whether or not we want to live with that kind and is it not also true that we have assurances that the homestead, including all of the contiguous land around it, will be exempted? If it is a 500 acre farm or a 1000 acres as long as the house sits on it and you sell it, it is exempted?

Sen. TROWBRIDGE: Yes, taking the last question first, that has been clarified to us and secondly it is in the budget and therefore not, it doesn't have a useful life over 2 years.

Sen. ROCK: Is it not also true that many of the developers who are incorporated have already paid the 8% with the business profits tax?

Sen. TROWBRIDGE: No question. They pay an 8% business profits tax on whatever portion of their business is the capital gains so that is why we have to have the same rates for individuals. What we are looking for here are not the moms and pops who might sell off a piece of land, we are looking for those who may have a rather large speculative gain.

Sen. ROCK: Can I not say Senator that we have held good faith with the state employees by proposing enough funding in the budget so that a pay raise will not have to be deferred and it can be effective for the present pay period at a level they themselves have signed into agreement that is acceptable to them today.

Sen. TROWBRIDGE: Yes, I think that the visible fact of that is that they signed today knowing the struggles that were going on and knowing that there was the question outstanding of whether they would be satisfied and tried to resolve that question in people's minds I think by coming to agreement today. And that is visible proof of that agreement.

Sen. BLAISDELL: Senator Trowbridge, I just want to bring your attention to the bottom of page 139. That is the motor vehicle substation, supposedly for Rochester, New Hampshire. I noticed that the committee of confer-

ence report said situated in Strafford county. Is that supposed to have been Rochester, New Hampshire?

Sen. TROWBRIDGE: Yes.

Sen. BLAISDELL: Is that the intent of the committee of conference?

Sen. TROWBRIDGE: Yes that was the intent and the drafters always say Strafford county.

Sen. LAMONTAGNE: Senator Trowbridge, I have heard you mention about the employees being happy with the package. Besides the increase in salaries, are there any fringe benefits going with it?

Sen. TROWBRIDGE: Yes. There is an increase in mileage, payments to reflect current mileage, 15c a mile and time and a half for overtime is included and the Friday following Thanksgiving is an extra holiday is included so that they get those three benefits in addition to the pay raise of 7% and I think that without this budget, none of that goes into effect, you have a continuing resolution or anything else, you don't have that in effect.

Sen. LAMONTAGNE: Senator could you give us an idea of just about what the committee of conference of the senate did because it seems to me that what I am reading here now that it is all matters that came up before the house and any of the suggestions or recommendation from this senate, I don't see anything that has been adopted by the house.

Sen. TROWBRIDGE: Well now wait a minute. The soft drink tax was, I was a sponsor of that, that only lost 13 to 11 in this body.

Sen. LAMONTAGNE: But isn't that indefinitely postponed?

Sen. TROWBRIDGE: But isn't that indefinitely postponed, but that was in a different form. That was at 15c and only covered carbonated beverages. This is at 10c per gallon and covers carbonated as well as noncarbonated soft drinks so it is a basically different tax at the moment. The only thing that we passed here in the waning hours was the head tax and the house had rejected the head tax three times in a row. The proposal of the governor for the head tax simply wasn't going to ride and

there wasn't any particular point in going back. The things that had come closest to passage were the capital gains tax, and the soft drink tax. Senator Rock said we tried the head tax again this morning but we were persuaded that there simply weren't the votes in the house to do it and you can go back so many times and there becomes a point where it is pointless. So that these things, a lot of them were things that had been discussed in the senate but hadn't been completely rejected and either been held in committee or something else and are still viable we thought.

Sen. LAMONTAGNE: Senator as you probably know, I don't have to tell you, you mention about you being the sponsor of the soda pop passed, how can you get around originating a tax in the senate here when it should be originated in the House?

Sen. TROWBRIDGE: I took care of that by when I was sponsoring that, I had it entered with the house members in the house, that was HB 1200 and then HB 1203. So it did originate in the house. I was the first one to mention it, I suppose that it was I meant.

Sen. FENNELLY: Senator Trowbridge, I am quite interested in this committee of conference paying the taxes and also pertaining to a substation which will be in my county. How did this happen to get in on a committee of conference report?

Sen. TROWBRIDGE: Well it had been brought to our attention before and it had been declined once before but in the interest of good fellowship it was on it at the last moment.

Sen. PRESTON: How much better off are the towns than they were the other night as a result of this?

Sen. TROWBRIDGE: The towns are better off by 1.6 million for sure and the employees are better off by a full quarter of payment in the salary raise. Also the state departments are better off by 3% of their total spending.

Sen. PRESTON: There is a reference to 98% of budgets. Would you just explain that to me?

Sen. TROWBRIDGE: Normally you have a lapse of two percent. But this year we have in the budget, we

have had it since the finance committee had it, a provisions allowing the department heads to transfer funds within the structure. What we are saying is that it should be marked. It has nothing to do with the detective bureau and nothing to do with the other ones that are unmarked now.

Sen. MONIER: Senator Trowbridge, I haven't had a chance to read all of this but I would like to ask about two questions. Under the old committee of conference which we had the long night session on, at the C level, how many millions of dollars were we above the current biennium?

Sen. TROWBRIDGE: The current biennium. The only thing that I have used as a marking-place Senator Monier was the governor's proposed budget. In other words, his budget when it came in was a \$378,000,000. Add to that the \$13.5 million of pay raise and you come out with \$392 million so that if his budget as submitted plus a pay raise had been enacted it would have been at \$392 million. Now we are going to be \$19 million above that. Those are the two relative figures to use.

Sen. MONIER: Do you have off of the top of your head the amount of millions of dollars that we have raised in taxes without this budget?

Sen. TROWBRIDGE: Yes.

Sen. MONIER: Is it approximately \$34 million?

Sen. TROWBRIDGE: In taxes it is about \$32 million dollars.

Sen. MONIER: How much more does this raise than that?

Sen. TROWBRIDGE: Right now it raises \$19 million more.

Sen. MONIER: So then we are talking about approximately \$51 million. Strange how it would come out at \$51 million.

Sen. TROWBRIDGE: No, I don't find it strange at all but I am sure that that was there. With all the machinations up and down for that to come out at \$51 million is an absolute coin-

cidence but it shows you the level that I was talking about back in February.

Sen. MONIER: What we are speaking about here is state funds of course?

Sen. TROWBRIDGE: Yes of course. General funds.

Sen. MONIER: Then if it is \$52 million above and the total is if we pass this budget now as it stands?

Sen. TROWBRIDGE: About \$417 million.

Sen. MONIER: Is it possible for me to do a little simple arithmetic for my constituents by taking \$417 million and subtracting \$52 million, that is the about the level of what the biennium is this year, would that be fair to do that?

Sen. TROWBRIDGE: The biennium this year would be \$369 million. If you take that and you take the governor's at \$378 million those were the equivalent figures.

Sen. MONIER: We are now talking \$52 million above our current biennium approved budget.

Sen. TROWBRIDGE: About \$42 million.

Sen. MONIER: And we have already raised approximately 32 of this so that the budget itself is raising in taxes an additional \$20 million?

Sen. TROWBRIDGE: Yes I said 19.

Sen. SAGGIOTES: Senator Trowbridge I just want to follow up on what Senator Monier stated. Now wouldn't we have been better off if we had gone ahead and passed a sales tax at the beginning of the session and had it over with?

Sen. TROWBRIDGE: Depends what sales tax you are talking about.

Sen. SAGGIOTES: I am talking about a general sales tax?

Sen. TROWBRIDGE: You could have easily and done it all in one fell swoop.

Sen. SAGGIOTES: How much money would that have brought in?

Sen. TROWBRIDGE: Depends on how you structure the sales tax. I recall one that was on the list that was 1% raising 30 million. That was 1% across the board including everything. You might not want to do that you

might want to do it with exemptions so it depends on how you structure the sales tax as to what it would raise per percent. I think you are as aware of that as I am.

Sen. LAMONTAGNE: Senator Trowbridge, assuming, let us forget for now that the house will not go along with the increase in the residence tax. Therefore if the residence tax had been adopted by the house as it passed the Senate, could we have gone by for this fiscal year?

Sen. TROWBRIDGE: No. you would still have had to have the soda pop tax or the capital gains tax in addition to do what we are doing here, what will satisfy the employees and do all the things that I am talking about. You would still have to pass that one plus one or the two others, capital gains and soda pop, doesn't matter which one, they are all about equal, \$8, 9 10 million. You would have to do that as well.

Sen. LAMONTAGNE: Assuming we could have turned around and passed the residence tax and then requested to have a 6% cut in these departments, could you have gotten by with that?

Sen. TROWBRIDGE: That was exactly what we were talking about. When you get to the 6% cut, that is when the department of welfare and the bigger departments say wait. We cannot stand a 6% cut. It has to come across the board. You come to the supreme court, you come to some areas you are just not going to get 6% out of them. You are going to have to get 6% out of the welfare thing and for every dollar that you lose there you lose \$1.50 in federal funds. The impacts are enormous. They can stand 1 to 2%, they cannot stand 6%. And that is why I oppose plan C. It is just not workable and you will be back here with people screaming at you and saying why did you do that.

Sen. LAMONTAGNE: Senator did I hear you correctly that you said you oppose plan C?

Sen. TROWBRIDGE: Yes, very definitely.

Sen. LAMONTAGNE: I thought that you said that you would support plan C?

Sen. TROWBRIDGE: No, that was at 3:00 a.m. on Friday morning, I opposed plan C and this senate also opposed plan C. That is why we have no budget today.

Sen. BRADLEY: You made a statement that I found rather disturbing that those who voted against plan C did so to embarrass the governor. If one had wanted to embarrass the governor, wouldn't the logical thing have been to vote for the governor's budget as he originally presented it?

Sen. TROWBRIDGE: No question, that was a very embarrassing document. But that is our function here Senator Bradley, is to fix those things up, take the testimony and get it in good shape and having done all that and having come out with the senate finance version, that was in pretty good shape, it was too bad to retreat back to an area below the governor's budget. I don't care whether we embarrassed him or not, I was not willing to vote for it on terms of my own constituency. I think most people agree.

Sen. SANBORN: Senator to follow up on what Senator Monier was questioning in the figures, roughly at your \$417 million in general funds?

Sen. TROWBRIDGE: Less the lapses which bring it down to 407.

Sen. SANBORN: And that over our previous biennium is roughly about 13%?

Sen. TROWBRIDGE: Yes.

Sen. SANBORN: How is that comparable to the economy moving along, is that also at 13% every two years?

Sen. TROWBRIDGE: The rise in inflation isn't the only thing. We have a 6% rise in inflation we also have things like the veteran's home coming on-line. The 12-13% rise here is combined with two parts. One is of things like the water pollution thing which is going up \$2.7 million, the veteran's home, CDP. Elements of government having to deal with themselves, the prison. Big one. To deal with shortfalls that we have let go for a number of years and the other ones are on growth, institutions such as the vocational training centers, the vocational technical schools,

those kinds of growths of students of users, and on top of that inflation. I don't think that is a remarkable rise considering the fact that we also have in there a 13.5, 7% built-in salary base which is the basis for part of your 13% because something like 65% of all costs of state government are salaries. There is nothing strange about having that rise now that you are having the salary demand of the employees.

Sen. SANBORN: Going along the same lines, private business also has to recognize inflation and so forth, I was wondering if their business was increasing at the same rate, about 7½ to 8% per year, 13 over the biennium?

Sen. TROWBRIDGE: I think an awful lot of businesses are especially in terms of dealing with dollars. They are dealing with inflated dollars so that the dollar factor is another thing to be looked into.

Sen. BLAISDELL: Senator Trowbridge, the last pay raise that was given to the state employees in the state of New Hampshire, where did we get the money?

Sen. TROWBRIDGE: We got it out of the surplus that we inherited in 1973.

Sen. BLAISDELL: We gave them \$5.00 per week, is that right?

Sen. TROWBRIDGE: Right.

Sen. BLAISDELL: And that is what the state employees have gotten from the state of New Hampshire in the last four years?

Sen. TROWBRIDGE: Right.

Sen. BLAISDELL: \$5.00 per week. Senator Trowbridge, it has been widely quoted in the press by one Senator from this chamber that when we sign the committee of conference report that we did say we would vote for that committee of conference report. Did that happen sir?

Sen. TROWBRIDGE: No.

Sen. BLAISDELL: Did we make that statement?

Sen. TROWBRIDGE: No. We were up there and that should be understood. As I said to Senator Saggiotes, in that budget were plans A, B, and C. They were mere

arithmetical progressions of what would happen if you didn't pass revenue. Sure I signed a committee of conference report because that gave the alternatives to the senate. It also gave the alternatives to me as to whether I wanted to take plan A, B, or C. Just as it gave you the alternative and Senator Saggiotes can try to put words in my mouth but he is not going to.

Sen. SAGGIOTES: Just to carry the questions of Senator Blaisdell further, and to make it perfectly clear as to what I said, I stated that I didn't hear from any member of the conference committee that said that they would not vote for the budget that we all signed for, whether A, B, or C and I can't find a single person that will say that any member of a conference committee said that they wouldn't vote for it and I am not trying to put words in your mouth Senator I am just trying to say that no one made that statement, that we would not vote for the budget when it came down to the floor, is that correct?

Sen. TROWBRIDGE: And no one said that they would vote for the budget either. No one said they would vote for plan C, no one said that they would vote for plan A. I never polled you or anyone else. But I can see people signing the committee of conference report to bring the committee of conference report back on the floor. I have done that all of my career. Signing committee of conference reports to bring them onto the floor. I think a lot of people have done that. Especially when it comes back with three alternatives, it is an entirely different ballgame, you have never seen that before. Therefore I didn't make it any secret around here. If you had asked me if I was going to vote for plan C I would have said no. But you never have. You are right, I did not say I would vote for it, I did not say I would vote against it. I didn't say.

Sen. SAGGIOTES: I hate to belabor the point but since Senator Blaisdell brought the point up, I still want to make it clear that what I was trying to correct the other night was the statement that you made on the floor of the senate, that you had stated that you would vote

against it and what I tried to say was that I didn't hear you make that statement.

Sen. TROWBRIDGE: You didn't hear it, but a lot of other people did.

Sen. SAGGIOTES: When you made the explanation of the conference report, the difference, in the afternoon when we had a lull, did you tell the senate body then that you had reservations about voting for the budget?

Sen. TROWBRIDGE: Of course I didn't.

Sen. SAGGIOTES: Let me finish my question.

Sen. TROWBRIDGE: One question at a time Senator Saggiotes. When I was making an explanation, I was making an explanation of plans A, B, and C. That was my function. So that you could think about them.

Sen. SMITH: You indicated in your remarks that the state employees had signed a contract for a 7% pay raise. Now if this budget is not passed tonight and we go on a continuing resolution or whatever, what happens to that pay raise senator.

Sen. TROWBRIDGE: That is a good question. I don't know how they fund the agreement that they signed without having a budget that reflects that increased level of spending in order to get there because chapter 505 of the clause of 75 certainly doesn't do it.

Sen. ROCK: I went to the committee of conference this morning with a very open mind and I suggested that we not get trapped in the box of discussing plans A, B and C. For I saw in that a trap that none of us should fall into and I hope will not fall into in our voting tonight. We had our opportunity on A, B or C last Friday. And frankly at that time I voted to support a budget, any budget so that we would not leave here in an irresponsible manner and face some of the dilemmas that I read about in the press for things that could have happened with no funding for the budget of any kind. Now fortunately we didn't run into those problems but I think that they are real and that they are there and if we go home with no more than a continuing resolution I think we will certainly regret that because number 1, we will not be holding faith with the state employees, Senator Blaisdell

has pointed out quite clearly that it has been a long time baby, since there has been a raise and I don't think that we should use the state employees as a scapegoat tonight and say we can go with some other plan and postpone and delay a pay raise. A \$5.00 pay raise over the last four years is not a heck of a lot. I think that the time has come to fish or cut bait and I think we have to realize that although we did not accept the fact finder's report, the fact finder's report was at a considerably higher level than we are talking about for a pay raise right now. It is in the area of 11% and I think that the employees of the state have shown good faith exceptionally good faith in taking the steps that they did today to sign an agreement at a level that we have shown can be funded without hurting anybody real bad. I have heard Senators on this floor within the last week clamoring for a tax on capital gains further referred to as fat cat people who can well afford to pay a capital gains. And yet I hear the very same senators maybe opposing a capital gains tax. What kind of a game are we really playing here? I was against the capital gains tax the way it was originally opposed, so was Senator Smith. But now what we are saying and I tried, and I tried at the committee of conference to lower the level several times and each time I attempted to lower the level, I had rational arguments thrown back at me that you are dealing with a corporate entity here that would be paying a business profits tax of 8% and an individual here who would be paying it at 5% and there would be the strangest manipulations you ever saw in your life of people moving from corporate structures to individual structures to avoid the 3% they would save. I bought that argument. Try the head tax again. Governor Thomson proposed in his message before senate finance a doubling of the head tax. Let us make that clear where that came from. That wasn't a Joe Cody special down the corridor, that was the governor of this state saying increase the residence tax and I was extremely disturbed to read in the front page of the Union Leader this morning, that the governor was opposing this and now saying that some members of the house were trying to

double the head tax and I just want to see where that is coming from. I proposed it three times before this senate, finally got it through, and to get it into the house there was a move necessary because all general revenues must originate in the house, they tried to just get a majority vote to look the bill out of committee, to attach the head tax to it and they couldn't do it. I tried the \$5.00 level this morning on the residence tax on the 5% capital gains. I think I went into that committee of conference with at least a spirit of compromise and conciliation. I saw surprisingly, if not an enthusiastic embracing of the soda pop bottlers of a tax, at least a lessening of the strenuous opposition to it and I think that the arguments that I made with Senator Trowbridge last Friday morning at 4:00 a.m. about what do you do with Hawaiian punch and the Hi-C and all the other fruit beverages that are the competitors and iced tea has been answered. If there is to be that tax then this one is certainly more palatable if you will than the one that was originally proposed in the carbonated beverages. I would hate to see what would happen to the university and the quality of education if we asked them not only not to meet the inflationary costs—because in your budget you have only provided a pay raise. There is not one penny of increase for operating costs. All of that is going to come out of increased tuition and if you not only fund none of their increased needs but ask them to cut 5%, I think the effect would be disastrous. I think that would be a very irresponsible move on the part of this senate to ask the university system to take that kind of a cut. Now the little ditties in there I don't think are going to hurt anybody very badly. I did propose because Sunday liquor sales to me is a reasonable thing, we have eliminated towns where there might be some strong objection to it and I hope you will all remember that on that issue that it is strictly a voluntary issue and that there cannot be a reprisal against anyone who doesn't want to work Sunday. No store manager can offer a reprisal to a state employee who says, no I don't want to work on Sunday, and that's the end of that. But I'll guarantee you that there will be 200 people in line

willing to work on a Sunday for the extra money and now we have the time-and-a-half for overtime. And the big bugaboo on that was what about the state troopers and what about this one and that one, now you have taken care of that. So if he works on Sunday and it is overtime, he does it voluntarily and he gets time-and-a-half in a limited number of stores. You already had 3, you have taken two large stores on major interchanges and included them. I am not the fiscal wizard that Senator Trowbridge is and I went in there with an open mind and nobody brainwashed Al Rock and nobody stuffed anything down my throat but I am going to remind some senators here that there are a couple of things in there that you were screaming for on the floor of this senate not long ago everybody gave a little bit. The big gainers are the state employees and anybody who votes against this budget tonight should notice right now that you are voting against the pay raise for the state employees. You can say put it off till October or have it continued as a resolution and go home with plan C or do anything else you want. But I don't think that is holding faith with the thousands of employees who showed their willingness to hold faith with us today in what they sign. I'd hope that you would adopt this committee of conference report.

Sen. BERGERON: Senator I think my question probably is in two parts and the only reason that I am going to ask the second question is because perhaps I am not getting the full drift of the message here tonight. Would you believe number one, that I have not heard with all of the discussion about cutting back, I have yet to hear one state agency head or department head, complain of the impending cuts. Not a one. Would you believe that?

Sen. ROCK: No I don't believe that, because we have heard it in Senate Finance.

Sen. BERGERON: Number two, is if you recall last Friday morning, I was one of the people that got up and said I think the state employees should have a pay raise. And I don't think they should have it in October, I think they should have it now. I said that. But my second

question is simply, why even, for the moment, say that we are not willing to accept the committee of conference report tonight, and some people would rather get back to the original plan C say for assumption, would you tell me why that we have to automatically assume or we are being told that if we adopt plan C it is a state employee pay raise that is first to go? Why not something else?

Sen. ROCK: First to go would be \$3,200,000 back to the cities and towns. That's first. Right off the bat you're saying that there isn't any money to fund that and you're saying to the town of Rochester for the nursing home support, we are sending it back. Now we don't give the cities and towns a heck of a lot but we are going to add another burden on them and maybe that should be first and answer that to your constituents first. Secondly, why is it that we have to put the state employees in the second class position. Why can't we say, yes we want to fund the pay raise and this is the way to do it and this will give them the raise. What is the matter with saying that.

Sen. BERGERON: That's my point Senator. Why do we put them in this position. Why not tell them, for example, plan C they will get their pay raise and some of these other things will be secondary.

Sen. ROCK: Because you are also saying that the budget is at 6% plus you don't get the pay raise till October. There is two things that happen.

Sen. BERGERON: In other words you don't believe there is enough elasticity in there whereby you can give the state employees their pay raise now and still properly run state agencies?

Sen. ROCK: No way.

Sen. BERGERON: Do you know of any Senator with the exception of perhaps senate finance or the committee of conference senators, that the state University has contacted, saying that it could not live with a 3% or a 5% cut?

Sen. ROCK: I speak only as the Senator from the twelfth district.

Sen. FENNELLY: I am absolutely amazed here at

what I heard here the last few minutes. These senators coming on the floor who propose to be the champions of the state employees because of the state pay raise. The same senators that failed to override the governor's veto on the Christmas opening, the same senators who are now endorsing Sunday openings which we all know that the state employees are against. Now this is not a political forum for people who have ambition to rise to higher office so I feel at this particular moment to speak the truth right now, that some things are going on now that the state employees are just being used as a tool on this pay raise by some senators who have future political ambitions.

Sen. BLAISDELL: Did you look at the roll call on Sunday, Christmas eve etc.?

Sen. FENNELLY: I sure did.

Sen. BLAISDELL: How did I vote?

Sen. FENNELLY: I can't remember Senator Blaisdell.

Sen. BLAISDELL: Well you better remember because you just accused me and I want you to remember.

Sen. FENNELLY: I just said I don't know how you voted on that.

Sen. BLAISDELL: Then why did you besmirch my name?

Sen. FENNELLY: I didn't speak anybody's name.

Sen. BLAISDELL: You said committee of conference and I am one of them.

The CHAIR: Let's not have a running debate.

Sen. DOWNING: Mr. President, I rise reluctantly in opposition to the pending motion. I say reluctantly only because I appreciate the dire straits that the state is in and I would like to do something about it, I would have liked to have remedied it by this time. The present vehicle that we have before us still extends itself into what I regard as a clear violation of the senate rules even though the president disagreed with me the other day relative to Sunday sales, I still feel that that bill is in the senate committee and it should take 2/3rds vote to get it out in any way, shape or manner and I would like to acknowledge at this time the efforts of the senate to eliminate

that from this particular conference report, particularly Senator Blaisdell who is the talk of the town, as to how hard he worked to try to get that stripped out of that conference report and I appreciate that effort. And It was pretty near successful, about 80% successful but enough of it remains there to be objectionable to myself. Also there is the wine bill which the chair did agree with me was in violation of rules. When that came in it required a 2/3rds vote to keep it active and of course the senate wouldn't support it on the prior effort of the house. Now these are two bills that were vitally important to the ways and means committee of this chamber and I think that we stressed that time and time again and yet here they are before us again in this conference report. Now I am not going to be badgered into accepting those items because of an increase to our state employees and so forth. I think that all these things are going to come in their proper place and so this isn't it. And if you don't support this motion, if you reject this conference report be prepared, I'll be prepared to offer a continuing resolution that will have a time certain on it. I don't think we should have an open-ended continuing resolution where we can go on indefinitely. I think we need to do something to continually discipline ourselves and force ourselves if you will to do something by a certain date. Number one I would urge that you reject this conference report and then I'll be urging you to accept a continuing resolution till the 15th and appoint new conferees and hopefully come up with something that the senate can live with.

Sen. ROCK: Senator Downing is it not a fact that in any continuing resolution you cannot put a pay raise for the state employees, that there is no way in a continuing resolution that you can have a pay increase for the employees, either the 15th of October or next January or whatever?

Sen. DOWNING: You may very well be correct with that Senator, I wouldn't expect to include a pay raise in a continuing resolution and I don't even think a pay raise is necessary for a continuing resolution for the 15th of this

month. I think the place to worry about that was in the committee of conference. Instead of putting in all these things which are very objectionable to the senate, trying to burn the candle at both ends, you would have done well to have done it in another manner.

Sen. ROCK: Do you object to a pay raise for the state employees?

Sen. DOWNING: No I don't Senator.

Sen. ROCK: And yet you are willing to support a continuing resolution that you admit cannot have it in.

Sen. DOWNING: Well Senator I thin you are being absurd now. I thought it was quite clear on what I was supporting.

Sen. SANBORN: Senator I respect your position there on your two bills that were in your committee but further, didn't this senate turn down capital gains two or three times here Friday?

Sen. DOWNING: Yes it did Senator and it also turned down the beverage bill but that is in a different form now and the capital gains has taken on a different form as well. I can sympathize with your concern even though I still support a capital gains tax.

Sen. BOSSIE: Senator in line with what Senator Sanborn said, and with your own little speech in opposition to the proposal before us this evening, if we previously had not voted for Sunday sales and we also had declined to have the sale of wine in the stores then don't you think we ought to honor the will of the senate at the same time and not continue with this continuous badgering with this capital gains tax? We have already rejected it, the house has rejected the head tax. Don't you think that both of those should now be put to rest?

Sen. DOWNING: Senator I think that you yourself ought to get up and address the whole situation. I myself am on record for supporting a capital gains tax and I would continue to support it. But certainly you should have your input into any new conference committee, your feelings on it.

Sen. BRADLEY: Senator Trowbridge you mentioned some problems the other night with regards to a continu-

ing resolution. My memory of that evening is not as sharp as it might be. Could you reiterate what kinds of concerns you had with the workings of a continuing resolution.

Sen. TROWBRIDGE: Well, one was obviously what we just discussed. It is at the basis of what we are spending this year so in what you are spending this year the 5% increase in reimbursements to the cities and towns does not take place. Authorization to spend is not there. Those reimbursements go out early in the fiscal year. So your town, instead of getting the extra 5%, will not get the extra 5%. You will not have in there as I said, the items such as the payment for the next Honeywell computer because that went up. There is a whole bunch of items, Ken Tarr's veteran's home is sitting there with a new wing which will not go into place. There is no provision for it in the old budget. I could go on but there are a whole host of things such as the liquor contract for paying the trucking contractors for delivering the liquor around the state. That is not in the old budget. There is enough there to mean that you will simply have to go back and redo this all again and you will be here all summer with three people doing this.

Sen. SMITH: Senator Trowbridge we have heard talk about a continuing resolution until July 15th. Now maybe that is the coming of the millennium, is there something magical about July 15th that we can resolve then that we can't resolve now?

Sen. TROWBRIDGE: Not that I know of. Senator Downing takes a fairly holier than thou point of view that he and his committee 3 to 2, voted to hold some stuff in committee. He has not been dealing with the house. I have been. It is a two-way street. Senator Downing and others seem to think that the senate position must be maintained. As I said earlier, bully for you. But it is a two-way street and you are going to have to face the fact that on the other side of this wall there are people there who say to the senate, look fellows, we have raised the revenue, you haven't raised any. What has your Ways and Means Committee done. Have they passed anything?

The question goes up resoundingly. Other than the business profits tax, have they passed anything?

Sen. LAMONTAGNE: Mr. President and members of the senate, personally I am going to be joining in with Senator Downing in opposing the committee of conference report. Personally, I have opposed the capital gains but I am willing to compromise and bend and go in favor of capital gains but at the same time I am still feeling that the residence tax is a fair tax being proposed. As far as the soda pop bill goes, it means that our children and others who are interested in drinking soda pop will again have to be paying these pennies and these pennies are going to add more than \$10.00 than what the residence tax which would be. I personally feel that the Senate had a good sound, tax on residents when they turned around and put the tax on 18 year olds through 65 years of age. So therefore our senior citizens are exempt. So I think it is a fair way and I know for I have talked with many of my people up in my district and everybody felt that the \$10.00 wouldn't hurt them at all and it was very surprising to see the questions that were answered by some of the people from the mills. I would have thought that those people would have been in opposition but they weren't. They certainly are opposed to the penny and the 1 and 2c and possibly 5c in the stores which they would have to pay. So therefore I am going to be voting against the committee of conference and their proposal. Now if they can turn around and give it to us and I think it is about time that the House starts thinking that the residence tax is what we should have for the people of New Hampshire.

Sen. MONIER: As I understand the motion after we have had all of this discussion as to a subcommittee of conference I am going to vote against. I might add that I am going to vote against it and that is my privilege just

as it is Senator Trowbridge's privilege to vote against plan C. I think there is a difference and I just frankly want to tell you why I am going to vote against it. And I'll say now Mr. President, I am not going to answer any questions because I am entitled to my opinions. In the first place up until the budget had been presented to us through a committee of conference, we have raised approximately \$32 to \$34 million dollars in new taxes already. This particular committee of conference raised \$18 million more in that budget which is almost 50% of the total tax that we were going to raise. In here are four major tax bills that have either been defeated in one house or the other and regardless of whether we like it or not or we are dealing with the house or not or the house is dealing with the senate or not, we are coequal bodies and each have our opportunity to vote on these matters. Two of them, one of them being the capital gains tax, and the other one being the residency tax, has been bounced back and forth two or three times. I have heard tonight how anybody who votes against this committee of conference is against the payroll or a pay raise for the state employees. Not so. I think the question that might well be asked is why the pay raise is the first thing that comes into the committee of conference and the last thing that is always brought up on each of our biennium speeches here with regards to the budget. It seems to me that in the raising here of \$32 to \$34 million dollars a pay raise should have been that first priority put into it regardless of whether it is at 5% as recommended by some quarters, 6% as recommended by others, 7% as it seems to be now or coming to the forefront. It ought to have been there first not here last. Had it of been I would have felt that it had a lot more sincerity with regards to those that are now telling us that if we do not vote a budget tonight, there is no pay raise. If it had been in the original budget, had it been in the first \$32-\$34 million dollars of revenue that it raised then it wouldn't be an issue here tonight. I think quite frankly that I am going to vote against it but ask for a new committee of conference which actually is part of the vote. I would support a con-

tinuing resolution which I admit would not give a pay raise at this time but also would hope that the chair would take some action to appoint a brand new committee of conference so that once and for all they would hear us loud and clear that a pay raise is a first priority that I personally feel ought to be in the \$34 million we have now raised and anything beyond that or anything else that has to be cut since that is their first priority of everybody here tonight, ought to be the first thing that would go. Before somebody says to me and that is the reason I will not answer questions, I am entitled to my opinions and keep them to myself and I will here, it seems to me quite frankly that it is a football that has been left there on purpose for us to deal with in the last moment. I think that \$18 million dollars as raised in taxes in which every single one of which, every single one of which has been turned down by one house or the other and one or two of them by both houses. So I would like to see a committee of conference go back to that \$34 million tax increase that we have already voted which is pretty close to 8 or 10% above what the biennium is for this year and start with the first priority being a pay raise there, retroactive to the first of July. Thank you Mr. President.

Sen. Provost moved the previous question.

Adopted.

Sen. Fennelly requested a roll call. Seconded by Sen. Bossie.

The following Senators voted yea: Smith, Bradley, Blaisdell, Trowbridge, Rock, Hancock, Preston, Foley.

The following Senators voted nay: Lamontagne, Poulsen, Gardner, Bergeron, Saggiotes, Monier, McLaughlin, Keeney, Healy, Sanborn, Provost, Brown, Bossie, Fennelly, Downing.

8 yeas 15 nays

Motion failed.

DISCHARGE

Sen. Downing moved that the committee of conference on HB 1000 be discharged and that a new committee be appointed.

Adopted.

The Chair appointed Sens. Jacobson, Saggiotes and McLaughlin.

Sen. Smith in the Chair.

ENROLLED BILLS AMENDMENT

SB 189, establishing a coastal resources management program and making an appropriation therefor.

Sen. Lamontagne for the committee.

Enrolled Bills Amendment to **SB 189**

Amend RSA 271-B:3, V as inserted by section 1 of the bill by striking out line 13 and inserting in place thereof the following:

Vacancies shall be filled for the unexpired term in the manner prescribed

Amend RSA 271-B:9, VII (d) as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

271-B:9, II (k) shall be permitted only if it complies with the minimum

Amendment adopted.

ENROLLED BILLS REPORT

HB 49, relative to the procedures for the filling of vacancies in certain elected offices.

SB 168, adopting a safe drinking water act for New Hampshire.

SB 56, establishing an adoptive care act.

SB 337, relative to family day care.

HB 96, increasing the appropriation for regional vocational education centers.

HB 127, requiring proof of residency in order to register and to vote.

HB 129, exempting certain persons from prosecution relative to exposing minors to harmful material or obscenity.

HB 167, relative to legal voters changing party registration, the posting of checklists, and party organization.

HB 218, renaming the supervisor of the bureau of off-highway recreational vehicles and establishing an OHRV fund.

HB 229, amending certain provisions of the statutes relative to OHRVs.

HB 460, amending the formula for computing the elderly and expanded elderly real estate tax exemptions and providing additional notice of available tax relief.

HB 536, relating to the business profits tax rate, deductions and method of distribution.

HB 542, relative to a state-wide solid waste management program.

HB 616, increasing certain fees charged by state agencies.

HB 629, altering gross weight and axle distribution limits for 5 axle trucks; providing for an increase in registration fees; and limiting vehicle loads to the rated capacity as determined by the manufacturer.

HB 779, relative to guardianship of children and incompetent persons placed in a residential setting at Laconia State school or elsewhere.

HB 858, correcting errors, omissions and inconsistencies in the RSA and session laws and conforming existing law to the criminal code.

HB 1128, relative to the support of dependent children.

HB 1134, making the person chargeable by law for a child's support and necessities primarily liable for the ex-

penses of a neglected or delinquent child or person in need of supervision.

HB 1141, establishing a New Hampshire right to privacy act.

HB 1156, relative to the property tax lien for the elderly and disabled.

SB 236, relative to a single retirement rate, service retirement benefits and vested rights under the New Hampshire retirement system.

SB 371, to repeal charters of certain corporations and relative to the periodic repeal of corporate charters by the secretary of state.

CACR 6, RELATING TO: Meetings of the Legislature. PROVIDING THAT: The Legislature Shall Meet in Annual Sessions and Receive Mileage for not More Than 90 Legislative Days During the Biennium.

Sen. Lamontagne for the committee.

HOUSE MESSAGE

The House of Representatives has voted to pass HB 291 notwithstanding the Governor's veto.

HB 291, making an appropriation to the department of resources and economic development for grants and loans for projects authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965.

Sen. BERGERON: Senator Poulsen, would you correct me if I am wrong, but my understanding is that the fact that this veto was overridden and monies are brought into the state, federal monies, the Governor still at that point has the option as to whether or not to accept or reject them so in essence this bill really doesn't make that much difference, am I correct there?

Roll call vote: The following Senators voted yea: Poulsen, Lamontagne, Gardner, Bradley, Bergeron, Jacobson, Blaisdell, Trowbridge, Rock, McLaughlin, Keeney, Hancock, Healy, Sanborn, Provost, Brown, Bossie, Fennelly, Downing, Preston, Foley.

The following Senators voted nay: Saggiotes, Monier.

21 yeas 2 nays

Adopted. Veto overridden.

INTRODUCTION OF SJR NO. 5

First and Second Reading and Referral

SJR No. 5, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire. To Finance.

SUSPENSION OF RULES

Sen. Jacobson moved that the rules of the Senate be so far suspended with regards to printing and referral to committee as to allow that SJR No. 5 be placed on second reading at the present time without prior notice of a public hearing or proper notice in the journal.

Sen. JACOBSON: As all of us recognize, we have reached an impasse. In fact I would suggest that we probably have gone backwards a little bit from where we were last Friday. I consulted with Senator Downing who is the Democratic Leader of this Senate and we agreed that if the committee of conference was not accepted this evening we would introduce this resolution. We are also in agreement that the resolution would be of very short duration so that we could hopefully resolve the question. As I had said to one or two of the senators a few moments

ago, we have got to find some level at which we can get 13 votes and we can get 200 votes, 201 votes in the house. I don't think that there is any senator here who wishes to continue ad infinitum and may I say that I want to congratulate the two previous committees of conference committees for their efforts. They both put in a tremendous amount of work and I did speak to Senator Trowbridge and asked him if he wanted to continue and he said he did not wish to continue and therefore I put myself on it, not because I am a fiscal expert in any way shape or manner but hopefully to resolve the revenue question. I do not think that there is a great deal of argument over the budget itself. I think the real argument comes over how we are to raise revenue in order to take care of all of the needs that have been expressed here in this senate. However, I think we do have an increasing problem by not having at least a continuing resolution. I think the state of Michigan went 7 days without a resolution but I think even there, there were some problems. So that I think we need to at least have the level of funding that went on in the previous biennium. Now it has been spoken to that a resolution does not increase the salaries of the state employees. It does not. But the question of the increase of course would hopefully be retroactive to July 1 so that though the increase in pay might delay one or two payments. So I don't believe that that is a critical question. As I see it there is a strong unanimity for giving the state employees at least a 7% increase. We will have to come to some sort of resolution on that question. So that I hope that the senate will adopt this resolution, I hope that the house will adopt the resolution and that in the next few days we can come to some kind of agreement whereby a majority of both houses will accept the budget, will accept the revenue package, that will set the machinery in gear for the next two years.

Sen. BRADLEY: A couple of questions of interpretation in the resolution itself. I note on the first page towards the bottom that there is an exception here for emergencies which could be above the current level of expenditure and I am wondering, I am assuming that that

is emergencies as determined by the governor and council, is that correct?

Sen. JACOBSON: I would assume that to start with it would be on the initiative of the department heads saying that there is an emergency coming before the governor and council and asking for money in order to resolve that particular circumstance.

Sen. BRADLEY: Due to the fact that we are only talking about ten days do you think it is necessary to have that kind of escape clause in there which seems to me a transferring to governor and council, the power to increase the budget for anything they wish to determine?

Sen. JACOBSON: Let me say that I did not write this, I asked legislative services to write it and they informed me that that is the proper and normal way to do it. I recognize that there is only ten days in this but I think you also can recognize that all hell can break loose in ten days too.

Sen. BRADLEY: On the second page, there is another provision in here which says that as I read it, that no employee will be liable by reason of these provisions of law that says you won't spend over the budget for the gap, from July 1 to presumably tomorrow or something. I am wondering why that is necessary.

Sen. JACOBSON: The reason for that is that RSA 913 if I am not mistaken, it says that no officer of the state can spend any money except that it be appropriated. That arose earlier in an earlier resolution that was passed here by both the house and senate in which the problem of people working in June but be paid in July, was resolved. It goes to the same question. Incidentally I did receive a letter from the governor on Friday morning asking the legislature to come back on Saturday morning and after receipt of the letter I did check with the attorney general's office and he did say that there were two areas, one is that no employee actually was required to work because there was no appropriation available and secondly that this liability factor did in fact exist.

Sen. BRADLEY: I also read the attorney general's opinion-to-be, as a practical aspect there is no liability

because he doesn't intend to enforce this provision but the worst concern that I guess I have here is that this doesn't seem to have any limit on it. In other words, if someone has spent at levels exceeding the committee of conference report that we just refused to adopt, it seems to me that that person is without any, there isn't any sanction against any such person for the gap and I am wondering why we should authorize anything during this gap greater than the 77 continuing level which that seems to be.

Sen. JACOBSON: It may seem to be that but I would only be guestimating at the moment that ultimately that problem would be corrected when and if we adopt the budget and the monetary restraints would be there.

Sen. BRADLEY: Would it be fair for the purposes of establishing the legislative intent here that there is nothing in this resolution, nothing should be read into this resolution to authorize any spending above the 77 level, either between July 1 and now or between now and July 15th?

Sen. JACOBSON: That is exactly the intention of this, to maintain those necessary expenditures that, for example, we have to provide food or we have to provide protection—there are a whole series of things that need to be provided. Certainly there is no intention of allowing some individual to go and spend heedlessly simply because of this provision in this sentence that you speak of.

Sen. BRADLEY: Do you have an idea of when we would be likely to act on the committee of conference report and when this would be likely to go out of existence.

Sen. JACOBSON: I am hopeful that we can lash this together sufficiently so that by next Monday or Tuesday we know that we have something that we can vote on and be finished with.

Sen. ROCK: Since the joint rules are comprised of members of both bodies. It really doesn't make much difference what the chairman of the senate rules might say if on the other side they would say, that didn't go through joint rules and therefore will not be admitted. Is that note true?

Sen. JACOBSON: Well the precedents are clear on the other side in which they had passed two concurrent resolutions without going through the joint rules so they would be going against their own precedence then.

Sen. LAMONTAGNE: Senator when you made reference in your statement to this new committee you didn't say that the employees would be strongly considered and the raise would be self-evident.

Sen. JACOBSON: I did say it was my impression that there is a unanimity of you that the employees should have at least the 7% increase. That was my impression.

Sen. HEALY: Do you think that there should be any worry on the part of the state employees that they will not receive an increase in salary?

Sen. JACOBSON: Well Senator, as I have said many times I believe in forthtelling and not in fortelling but I am hopeful that that would be the case.

Sen. HEALY: Senator, as your representative of the senate on this committee could it be said that you would place a priority on the salary increase for the state employees so there will be no problems where this labor situation may spark up something unusual. I feel and I think that the state employees should be given a confidential feeling or a feeling of confidence that they will not be in jeopardy of losing something that they felt that they had tonight by this original committee of conference report.

Sen. JACOBSON: Well Senator the only thing that I can do is take a reading of what the senate expressions were and I did not hear a single senator oppose the raise for the employees. Apparently the opposition comes in very complex relationships to what the revenue raising measures are to be. That appears to me to be the hurdle over which we have to get 13 senators to jump.

Sen. HEALY: Senator in all this time while this has been going on, do you have any thoughts yourself on some methods that we might be able to raise money to take care of this critical situation other than what was proposed in the conference report that came into us tonight?

Sen. JACOBSON: I have many thoughts and the only thoughts that I feel are important as far as I am concerned are those that ultimately are going to fly.

Sen. LAMONTAGNE: Senator Jacobson now that there is a conference committee, I assume that the new conferees will probably be meeting tomorrow.

Sen. JACOBSON: I can't project that at least until we have some message from the house.

Sen. LAMONTAGNE: Assuming that the new conferees do come to an agreement, the chair will call the senate back together?

Sen. JACOBSON: The intention is to call the senate back either Monday or Tuesday.

Sen. ROCK: Senator, going back to the old adage that it takes two to tango, to have a new committee of conference the house must also vote to accede to a new request for a committee of conference. We just can't do it alone by ourselves, is that not correct?

Sen. JACOBSON: That is absolutely correct and that is why I have said I wouldn't know until the house had taken some action.

Sen. ROCK: And also realizing your sagacious advice that you believe in forthtelling and not fortelling and notwithstanding that, what would be your move if the house were to adopt the committee of conference report on the budget tonight and go home?

Sen. JACOBSON: I would say that that would be a stalemate.

Sen. PRESTON: I rise in support of this SJR 5 and at the risk of being unpopular, to me this is a very irresponsible action necessitated by legislative procrastination by this body. I am not really interested in embarrassing the governor or seeing who wins this type of war we seem to be involved in. And neither am I to be intimidated by a rumor of possible vetoes. I think we are beating dead horses on the residence tax and should face up to our responsibilities. I couldn't believe we would sit here until four in the morning last Friday trying to come up with quick ideas as to whether we should tax milk, orange juice or automobiles in an effort to raise some money.

There must be a better way. I don't think that anyone could run their business in such a manner as this and we are dealing with people. I am not interested in what they have done in the other states in continuing resolutions and I can't believe that in the last days of the session we would be discussing possible sources of revenue and the matchup expenses for them. I didn't like everything in the committee report that was just presented to us but I think Senator Rock made sense to me. Providing money to the universities, I have a responsibility to see that the towns on the seacoast get some kind of money that they got before and if voted against some things that might be unpopular I think I might be responsibly seeing that the communities were picking up that \$1.6 million dollars. And though I am upset that Mr. Richard Molin said "the senate doesn't have any idea as to what is going on regarding state pay raises", I disagree with that. I fully support the state pay raise and it is politically astute for someone to stand up and say that but let's vote for it. I think that committee of conference report would have allowed the departments to operate without any across the board cuts which I also think would have been irresponsible. I think it is a lousy way to do business. If no one comes up with a better idea tonight before we go home I will support this but I don't like it.

Sen. FOLEY: Mr. President I rise reluctantly concerning the SJR 5. I too wasn't happy with everything this committee of conference came up with. I have spoken against the liquor stores being open on Sunday, particularly in my area because the people who worked there didn't want it. There is a carbonated beverage plant in my area and I voted against the taxing of carbonated beverages by the gallon and felt I was doing the right thing. But I felt tonight was the time for compromise and I could live with the budget as it was presented by the committee of conference. I also feel that any operation of any business cannot operate effectively under the type of pressure and turmoil that the state departments are presently operating under. I am sorry that we did not adopt the committee of conference as it was presented to us

and if I vote for this senate joint resolution I will do it most reluctantly.

Adopted.

SJR No. 5, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Jacobson moved that the rules of the Senate be so far suspended as to allow SJR No. 5 be placed on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

SJR No. 5, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire.

Adopted.

Sen. Bossie moved that **SB 372** be taken from the table.

Sen. BOSSIE: This is the errors and omissions bill and I will explain the amendment to you that is being handed out.

Sen. Bossie withdrew his motion.

Recess to the call of the Chair at 2:20 p.m. on June 20, 1977.

Out of recess.

Sen. Jacobson in the chair.

VETO MESSAGES

July 5, 1977

To the Honorable Members
of the General Court

I am returning herewith SB 128 together with my objections noted pursuant to Part 2, Article 44, of the New Hampshire Constitution.

I do not believe that insurance companies should be required by the state to cover pastoral counseling as part of mandated mental illness coverage. While I understand that such counseling can be quite helpful, in my judgment mandatory coverage for expenses arising from the treatment of mental illnesses and emotional disorders by psychiatrists and psychologists is sufficient.

There is also some question in my mind as to whether such state action would be contrary to constitutional principles of freedom of religion.

Finally, I am concerned that the bill, perhaps inadvertently, requires coverage for pastoral counselors for most insurance companies but omits coverage by non-profit health service organizations such as Blue Cross-Blue Shield. This would create a substantial inequality among the insurers and for this reason alone the bill should not become law.

Sincerely,

/s/Meldrim Thomson, Jr.

Sen. Poulsen moved that the Senate pass SB 128 notwithstanding the Governor's veto.

Sen. Lamontagne moved the previous question.

Adopted.

Roll call vote: The following Senators voted yea:

Poulsen, Smith, Gardner, Jacobson, Blaisdell, Trowbridge, Rock, McLaughlin, Keeney, Hancock, Fennelly, Downing, Foley.

The following Senators voted nay: Lamontagne, Bergeron, Saggiotes, Monier, Healy, Sanborn, Provost, Brown, Bossie, Preston.

13 yeas 10 nays

Motion failed by 2/3 majority. Veto sustained.

July 5, 1977

To the Honorable Members
of the General Court

I am returning herewith Senate Bill 299 together with my objections noted pursuant to Part 2, Article 44, of the New Hampshire Constitution.

I do so primarily because there is no provision in this bill for a referendum by the voters before a city can adopt the act.

While I am agreeable to municipalities getting into the development business, nevertheless such activities and particularly the matter of bonds are extremely complex and require experience and expertise that may not be readily available to all cities at the present time. Thus, before the credit of a city is pledged and development commitments made, I believe the voters should have their say.

Sincerely,
/s/Meldrim Thomson, Jr.

Sen. Hancock moved that the Senate pass SB 299 notwithstanding the Governor's veto.

Roll call vote: the following Senators voted yea: Foley,

Preston, Downing, Fennelly, Bossie, Provost, Healy, Hancock, Keeney, Trowbridge, Blaisdell, Smith.

The following Senators voted nay: Brown, Sanborn, McLaughlin, Rock, Monier, Saggiotes, Bergeron, Gardner, Poulsen, Lamontagne.

12 yeas 10 nays

Motion failed by 2/3 majority. Veto sustained.

INTRODUCTION OF SR NO. 12

First and Second Reading

Senate Resolution No. 12

relative to state liquor stores being closed on Christmas
and New Year's Eves

Whereas, a majority of the Senate has indicated strong feelings that liquor stores should be closed on Christmas and New Year's Eves; and

Whereas, a majority of the Senate voted in opposition to the Governor's veto of Senate Bill No. 158; and

Whereas, the veto of said bill permits the liquor stores to remain open on the above cited occasions; and

Whereas, a majority of the House indicated by the action of that body that liquor stores should not be open on those special dates; now, therefore, be it

Resolved by the Senate:

That the State Liquor Commission be made aware of the very strong opposition expressed by a majority of the Senate on permitting state liquor stores to remain open on Christmas and New Year's Eves.

Sen. Preston moved to adopt SR No. 12.

Sen. Lamontagne moved that SR No. 12 be indefinitely postponed.

Sen. Blaisdell moved the previous question.

Adopted.

Sen. Smith requested a roll call. Seconded by Senator Keeney.

The following Senators voted yea: Lamontagne, Rock, McLaughlin, Sanborn, Provost.

The following Senators voted nay: Poulsen, Smith, Gardner, Bergeron, Saggiotes, Blaisdell, Trowbridge, Keeney, Hancock, Healy, Brown, Bossie, Fennelly, Downing, Preston, Foley.

5 yeas 16 nays

Motion to indefinitely postpone failed.

Senate Resolution No. 12 adopted.

(Sen. Lamontagne, Sanborn recorded in opposition.)

INTRODUCTION OF GUESTS

Sen. Bossie moved that HB 776 be taken from the table.

Adopted.

HB 776, relative to the definition of a person beneficially interested in an account filed in probate court.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Bossie moved that the rules of the Senate be so far suspended as to allow HB 776 be placed on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

HB 776, relative to the definition of a person beneficially interested in an account filed in probate court.

Adopted.

Sen. Preston spoke under rule No. 44.

Recess.

Out of recess.

SUSPENSION OF RULES

Sen. Rock moved that the rules of the Senate be so far suspended as to take up SR No. 9, and No. 10 and place them on second reading at the present time.

Adopted.

SR No. 9, requesting an opinion of the justices.

Sen. Downing moved that SR No. 9 pass.

Adopted.

SR No. 10, requesting an advisory opinion of the justices on HB 439.

Sen. Downing moved that SR No. 10 pass.

Adopted.

HOUSE MESSAGE

HOUSE ACCEDES TO SENATE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979.

The Speaker has appointed Reps. Roberts, Tucker, LaMott, Normand and Spirou.

ENROLLED BILLS REPORT

SB 189, establishing a coastal resources management program and making an appropriation therefore.

Sen. Lamontagne for the committee.

Recess.

Out of recess.

Sen. Monier in the chair.

ENROLLED BILLS REPORT

HB 776, relative to the definition of a person beneficially interested in an account filed in probate court.

Sen. Lamontagne for the committee.

COMMITTEE OF CONFERENCE REPORT

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979.

Sen. ROCK: The purpose of my inquiry is to ask if there is a parliamentary procedure by which we could take up a matter of business which might be extremely important relative to the budgetary situation in the state prior to discussing the committee of conference report. Would it be in order Mr. President if I wished to bring to the senate's attention a matter that I believe to be of extreme importance to make a motion to lay the committee of conference report on the table momentarily?

The CHAIR: The motion would be in order.

Sen. ROCK: I would like to then move Mr. President, for the purpose of discussing an issue pertinent to the state's financial situation, I would like to lay the committee of conference report on the table for HB 1000.

Sen. JACOBSON: What is the motion at the time?

The CHAIR: Senator Rock's motion is to lay HB 1000 on the table for the purpose of some other order of business.

Sen. JACOBSON: What is the motion prior to that?

The CHAIR: The motion previous to that was the adoption of the committee of conference report on HB 1000.

Sen. JACOBSON: I don't believe that a motion was made yet to that issue.

The CHAIR: No it isn't the clerk had read into the record that the senate be attentive to it and at that point Senator Rock asked an inquiry of the chair and I accepted that inquiry.

Sen. JACOBSON: So there is no motion to lay on the table at the moment.

The CHAIR: I stand corrected on that. Senator Rock will have to hold his motion on that until I have indicated that before the senate is the adoption of the committee of conference report on HB 1000.

Sen. ROCK: Would the chair then explain what the parliamentary procedure would be if a senator wished to introduce a matter for discussion prior to the consideration of the committee of conference report?

The CHAIR: As I stated before the chair, unless the senate wished to overrule it, would be as follows. The clerk of the senate has just read into the record the committee of conference report on HB 1000. I would probably make the notation to the senate that the question before the senate is the adoption of the committee of conference report. At that particular time I would feel that if you would arise and make that motion I would accept what had just been previously made.

Sen. Jacobson moved to adopt the committee of conference report on HB 1000.

Sen. JACOBSON: Mr. President, the committee of conference struggled with the problem of the budget over many, many long hours and I would like to take the time at this moment and go through what in fact are facts. Now it has been stated over and over again that we are progressing from \$351 million dollars to some other figures and that represents a 25% increase in the budget. That is not true. Let me detail for you. There are several items which will increase in cost if we do absolutely nothing from the budget of the biennium of 76-77. For example, debt service increases \$7,490,000. There is absolutely nothing anyone can do. The bill must be paid. There is an increase in the statutory appropriations with

regards to workmen's compensation and unemployment compensation which is .9 million dollars. In the previous budget the parks revenue was restricted revenue and therefore was not part of the general operating budget. A change has taken place so that it is part of the general operating budget. This is an increase in the budget of 5.43 million dollars. Indirect costs there has been an accounting change which increases the budget 1.6 million dollars. We have to pay the 27th pay period which is 3.61 million dollars. There is an automatic increase in the business profits tax under the present statute of 4.87 million dollars. The benefit costs are an increase of 7.9 million dollars, the basic increments, the step increases are 1.5 million dollars. The increase in the water pollution grants is 3.9 million dollars. The retirement contributions fund increases 5.65 million dollars. Now that amounts to \$42.84 million dollars which means added to \$351 million .8 comes to \$394 million, 660 thousand dollars approximately. Now that is the point at which we should be starting, not at \$351 million. I want you to know that with the 3% factor in there that we came up with a budget of \$407 million dollars of operating money and that includes then \$13.7 for the state employee's pay raise. Now that is what we have done. There is no inflated budget in this at all. Now the governor did show up. I want to turn to that point in a minute. And he wanted \$10 million in cuts. Do you know that he wanted \$965,000 increases in the operation of state government? Some of which we went along with because they were necessary. Let me turn to the governor's issues. Now there are a lot of increases and decreases most of which are very small and don't make a hill of beans. The first big decrease is to freeze the business profits tax in fiscal 79. That does reduce the business the monies that go to the cities and towns by \$1,278,800. That means that the cities and towns if we accepted that, would receive that amount less. In other words, it would in fact shift from the state paying money to the local property tax owner, he would have to pay that \$1,278,800. Let us go on to another one. Another major cut was that the Governor

wanted to reduce the current expenses at Franconia and Sunapee. \$178,000 at one time, \$184,000 at another time. This is an area where they are making money. And if we cut back on our current expenses in our operation we are going to reduce our income. It is as simple as that. So there didn't seem to be any reason to buy that one. One of the things that we have developed in the state is the community health center. The governor wanted to cut out \$822,000 which would reduce the efforts of the community health center which is an effective substitute for the state hospital. It developed a new idea so somebody has to pick up that tab, I don't know who but somebody does. We have reduced the center for the mentally retarded but \$100,000, that is, the governor wanted to do that. Again, somebody has to pick up the tab if that is not the case. Then the governor wanted to shift \$1,183,000 out of the sweepstakes fund back into the area of vocational schools. What does that mean. That our general school funding would be down for our school districts, \$1,183,000. Now who is going to pay for that. It comes immediately back on the cities and towns. So that there is no reduction in the operation of state government. We have aid to handicapped children. We all know of an act that goes into effect in 1978 we shifted the money in our committee of conference report so that the same amount of money is appropriated for 78 and then \$1.2 million for 79 which is no more than it was from the beginning, we simply shifted the money around. But he wants to cut \$600,000 from that. Who is going to pay for that. The cities and towns. The local property tax owner. Then finally he wanted to cut \$1.9 million from the University budget. Now who is going to pay for that. The citizens of New Hampshire with a tuition increase. Now the important thing that I am saying is that at no place is there any reduction in the operation of state government in fact, the governor suggested actually increase the costs of state government. Now that is point number two. Point number three I heard on the radio as I was laying in bed in the cool of the morning that we had increased the budget \$366,000. That is not true. What happened was

this, in the committee of conference two there was an out of \$370,000 for the now vetoed SB 189 because it was down in the special. We asked the Governor's suggestion, changed it around and found out that there were several funds available so that instead of being \$370,000 it would be \$148,000 which was a reduction in the present one of \$222,000 so that the net effect of everything we did actually reduced the budget by a few thousand and not increased the budget. Now finally I would like to go to the operating budget which each of you have. On page 143 there are only the deletions that were necessary because of the changes that we made. There are no sneaky pete's in it at all. Number 121 is the soft drink tax. In the committee of conference we discovered that the assessment on the basis of gallons would be unconstitutional because you are dealing with different kinds of products. Ginger ale and Hi-C Hawaiian drink are two different products and you cannot tax them at the gallonage rate so we established a 5% rate over the span of soft drinks, powdered and liquid at the wholesale level. The net effect of that is that if you go back to the old soda pop tax where we had it at 15c, it really means that now it is only at 8c a gallon and the other important point that this piece of legislation does is that it equalizes the entire soft drink industry so that one does not have an advantage over the other in terms of the soft drink. But the net effect is that the burden on the soda pop people, that is the carbonated people, would be actually less tax. And it works out to about 8c a gallon. That was 121 and all of the regulations that need to go into this thing. 121 is an appropriation of \$155,000 in order to administer the soft drink tax. That is on page 151. 123 is a slight addition to the department of agriculture so that they would fund the Market Bulletin, it is a self-sustaining project. What had happened in the previous conferences and discussions of the bill is that the revenue had been counted but nobody had given any expense money to produce the Market Bulletin. So that is a change that allows for the Market Bulletin. 124 reduces, brings back \$35,000 for the flood control project which lies principally in Senator Bradley's dis-

trict, Senator Monier's district and my district. 125 is a shifting of the same amount of money with the handicapped children so that they get money in fiscal 78 as well as in fiscal 79. The earlier one did not have any money in fiscal 78. 126 is the Eastern State's Exposition. There was a great discussion as to who was going to be in charge of the New Hampshire portion of the Eastern State's Exposition. We came to a compromise in which DRED will continue to be in charge of it but agriculture is guaranteed 20% of the space. 127 is to provide for an accounting machine in the department of revenue administration which was told to us to be necessary. 128 provides for a truck and equipment for the water resources board to travel around. It was found that this was a necessary appropriation. 129 is merely a rewrite of the veterinarian medicine loan program in order to make it more clear and that goes to 30, 31, 32. 133 on page 157 takes out the executive secretary of the state racing commission and the director of greyhound racing commission out of unclassified and puts him in classified as was requested and the other part of it changes the chief quality biologist classifying pollution commission and changes him from group N to group O which means a slight increase in pay for him. 134 is the 3% factor which means that the operation of state government shall be at a 3% reduction. It is probably the most important part in this budget because if there is any reduction of the state operating budget it will come here because department heads will be made responsible for the way in which they spend the money, in which they shift the funds and we will know where they will be putting their funds because there is another footnote that is in there from the old one which allows them to have internal transfers. But if there is going to be any reduction in the operation of state government it will come here and that is a savings of 12 million, 400,000 dollars. The rest of it has to do with how it is to be carried out, there is a review committee, protection of confidentiality and many other items. 143 is the next one and this authorizes the sale of table wines in stores and grants 6 licenses. There were members of the

senate who said that licenship should be increased for beer and wine and that was proposed and that was accepted. The next one, 144 is the meat inspection program. There was a problem between the time that the federal government takes over and the state gets out of the business of meat inspection. This is the amount appropriated to take over that 60 day time lag. 149 I have already spoken about, apparently the governor has vetoed the bill I understand, so that may be of little or no effect. On page 164 the only change in this is that it allows cars that are used for traffic control purposes to not be of a compact or sub-compact type. In other words, they are exempted from this provision in which state government will operate with compact or sub-compact cars. So that the traffic control officers will have cars of standard size. 148 is a small appropriation for the board of probation to have added secretarial help. 149 puts back the travel money for the fish and game department which through the various circuitous ways in which this budget has developed it left out travel so that the enforcement could not travel in this state, so they need the money. 150 was also an omission. It puts in the state disaster office for fiscal 1978. These funds are all federal funds and therefore do not change the budget. 151 has to do with the fact there is needed a radiation specialist and the money is appropriated for a radiation specialist. 152 and 153 relate to the decal that is to be on the carnival safety inspection and that was a necessary item. 154 phases out state reimbursement for federal projects in town by 1980. You know we have been reimbursing the towns in lieu of taxes but what this does is it was in there before and it is reworded and phases it out for after 1980. The council on aging asked for an increase of 20,000 dollars and that was granted. 156 equalizes beer permits with wine permits at 6. 157 places the University of New Hampshire under the same kind of pooling arrangements that the state has established in a prior part of the budget. The senate clerk's compensation makes him a full time employee eligible for fringe benefits. The adjutant general's office asked for this increased appropriation for various expenses and

maintenance and as I understand it the net effect is an increase of about \$7,000 in general funds. 160 has to do with venereal disease and immunization and there needed to be some changes in federal funding versus state funding and all that does is correct a slight problem that relates to venereal disease and to immunization. 161 is one that simply says that the indirect cost charges can take place at some place after July 1, they had a problem with that before and it needs to be changed so that there is a little bit of flexibility. 162 at the request of the governor gives \$10,000 to the American Canadian French Cultural Exchange bearing in mind that there are 100's of thousands of French people who originally came from Canada and it was considered and accepted. 163 revises what was a hot issue about where the judicial council was going to be and gives the president of the senate and the speaker of the house a little more elasticity. 164 is the pay raise. 165 relates to and it has been refined a little bit, to the money that goes to old age assistance, nursing homes and it stays in as it originally was. 166, the governor raised an objection about the footnote which was to pay me for the King trial and it simply said acting governor and what this footnote does, it says that it is only for the time that I am presiding as the senate president over the King proceedings. 167 has to do with the liquor stores that are open on the Blue Star highway and on the Everett highway. 168 provides for the appropriation to administer the wine and grocery stores and the rest of it is there. So those are the changes that have been made. The net effect of all of this is that the actual spending from conference 2 to conference 3 reduces the spending in the neighborhood of \$4½ million dollars. So that is it.

Sen. PRESTON: Senator Jacobson on page 162 relative to the multi-licensing, this has been a very sensitive issue and it really affects those people who are rather busy working their 12 or 15 hour days in their grocery stores. In the past we have had open hearings and we have had 6 months to discuss it. I think it is rather unfair that this be included in the committee of conference budget at this time and I would like to know why it so originated with-

out going through a due process of hearings as we have had on other things that affected so many small business people.

Sen. JACOBSON: This was of course in committee of conference 2. There was a change from 2 licenses to 6 licenses and we made the beer licenses 6 licenses. Now the reason for that, from 2 to 6 was that there were members of the senate who thought it should be expanded. I am personally against this particular section of the statute however, we found no other way to raise the money to cover the 97% because there was tremendous opposition to the capital gains tax, there was tremendous opposition to Sunday sales so we went on a compromise to take out the Sunday sales and to take out the capital gains, to leave wine in the grocery stores in and to as we have said, revise the soft drinks. Now if you have a suggestion where we can raise I think \$2. some million dollars and that can be in a combination with regards to this committee of conference report, then I am willing to listen to it.

Sen. LAMONTAGNE: Senator don't you feel that some of these footnotes that we have in the committee of conference, is in violation of the joint rules? Would you say that there was violation of the joint rules here?

Sen. JACOBSON: There are many violations of joint rules but we have been violating joint rules for faretheewell, so I presume that we are not very concerned about that.

Sen. LAMONTAGNE: The reason why I bring it up is that right now as you know, the wine in stores has been indefinitely postponed in this Senate. That is number one. Now the one especially on beer permits from 2 to 6, we have had legislation in the past that I am sure that you are familiar with, isn't this a violation of the rules too, that this should have had a hearing and at the same time before it was enacted and put into this committee of conference report?

Sen. JACOBSON: Well Senator if you can suggest to me how we can raise \$2.8 million by some other method I will be

glad to see that they are excised.

Sen. LAMONTAGNE: As far as I am concerned there are other methods that the Senate did introduce and I don't see them in the committee of conference here. The Senate sent to the House an increase in the residence tax of \$10. And I don't see any action in this committee of conference report. Why wasn't that done?

Sen. JACOBSON: Senator I can answer that very simply. Because the house will not accept it and bearing in mind that this is a bicameral legislature the house and the senate have to agree. But again Senator, if you go over to the house and get them to agree to the residence tax I will be glad to put it in. And I can take out some other things too.

Sen. LAMONTAGNE: For instance right now, all right you say the house wouldn't accept it. Then why is it that the senate conferees did not insist that the house conferees accept some of the decisions of this senate and I am referring to the soda pop which had been defeated and indefinitely postponed in this Senate. I don't see anything in here that the Senate has said that they wanted in fact for raising revenue. Not even one thing in here that I can see. The only thing we have to do is comply with the house and I disagree with it.

Sen. JACOBSON: Senator, again I would like to say, if you would like to go over there and get them to pass the things that you want to have passed I will agree with it.

Sen. McLAUGHLIN: Senator is it not true that in the last committee of conference report that I requested that the beer licenses be extended from 2 to 6 stores as per the request of Senator Downing and the senate requested that I do so. I did so, I pleaded with the committee conferees to do so and they inserted it at my request. Is that not correct?

Sen. JACOBSON: That is absolutely correct.

Sen. ROCK: Senator did I hear you say to Senator Preston, that the license changes from 2 to 6 in wine in stores was inserted by a committee of conference number 2?

Sen. JACOBSON: No, committee of conference number 3.

Sen. ROCK: You are aware Senator that what the committee of conference number 2 did agree to was wine in grocery stores limited only to 2 and did nothing to change the beer licenses.

Sen. JACOBSON: That is absolutely correct. And Senator McLaughlin just asked me the question, it was to request the members of the senate and bear in mind that the conference three asked all requests from department heads, members of the general court and we got 71 requests. We considered all of them and some agreed to. The matter of the 6-6 was I think a matter of equity. That if you have six of one you have to have six of the other. And bear in mind also, that the ma and pa stores do get wine and they are going to get extra income from that. We felt that that would provide the balance economically for them.

Sen. ROCK: Is there not the same equity Senator in having two beer licenses and two wine licenses, isn't the equity factor exactly the same except that you have increased the beer licenses now to 6 and your equity factor is multiplied by the number of stores that a chain has but it does nothing to help the mom and pop stores who have only one store?

Sen. JACOBSON: Well that was at the request of members of the senate and the committee of conference adopted it. If that is the stumbling block for the adoption of this we would be glad to see that it is taken out. It reduces the budget by about $\frac{1}{2}$ million dollars.

Sen. BRADLEY: Senator Jacobson, I think I count there are 49 sections in this report. Almost all of them being additional expenditures as I look at it.

Sen. JACOBSON: No that is not the case.

Sen. BRADLEY: Well a large number are specific increases, are they not?

Sen. JACOBSON: No.

Sen. BRADLEY: Let me ask the question this way, how many of those sections are involved with specific increases? It seemed to me that you listed many, many,

Sen. JACOBSON: 151, 122 increases \$310,000 in order to take care of the administration but there is no significant change in the original budget so there is no real change there. What 123 does is increase the budget approximately \$10,000, 24 increases it \$35,000. Footnote 125 there is no change in the budget. It simply changes the appropriation and splits it between 78 and 79. There is a \$10,000 increase in 1.7. There is a \$9,000 increase in 128. There is nothing in 129, 130, 132. 133 there is nothing. 134 reduces the budget \$12 million 400,000 thousand dollars and that is followed by all of the things that have to do with confidentiality. Table wines, 143 is an increase in income. The meat inspection increases it some \$36,000 to take care of the intervening program. The coastal zone management reduces the committee of conference 2 by \$222,000. The carnival amusement increases it \$2,000. Then 166, there is another \$5,000 for the board of probation. 149 increases it \$30,000.

Sen. BRADLEY: That is sufficient for my purposes. Let me follow up. I think you have made my point which is that there are a number of specific increases in here. There are a number whereas the only significant decrease that I see in there is one across the board, the 3% thing. The question then that I really am trying to get to is that in all this time, did anybody ever suggest that you ought to talk about specific cuts and not just across the board cuts business?

Sen. JACOBSON: The only specific cuts that were asked for of major significance were those that were asked for by the governor and everyone of the major cuts that were asked for by the governor either shifted the tax burden back to the cities and towns or to the public in general.

Sen. BRADLEY: I would like to try to relate these to-

tals, to sum up these totals. You said there is a net decrease of \$4½ million. That is decreased from conference committee number two?

Sen. JACOBSON: That is right.

Sen. BRADLEY: What are the figures that go into making that net?

Sen. JACOBSON: In terms of these little things that you are talking about there is about a \$6,000 decrease of the ups and downs etc. The significant thing is the 1% so the budget was at \$413 million and now it is at \$407 million. So there is nearly \$6 million dollars.

Sen. BRADLEY: Between number 2 and number 3 down.

Sen. HANCOCK: Senator Jacobson assuming that the senate finance committee and the house appropriation committee did their job carefully as it relates to the allocation of funds for equipment, current expense, travel and so forth, with the rate suggested here not to exceed 97%, would you agree that most of the cuts will have to accrue to personnel?

Sen. JACOBSON: Most of the cuts will probably in the people who are not hired rather than people who are let go.

Sen. HANCOCK: You mean by vacant positions or do you mean by new positions?

Sen. JACOBSON: As far as personnel is concerned, bearing in mind that there is a progression of steps that personnel, is the very last item that needs to be cut but it is true that the major item in any state government is personnel.

Sen. HANCOCK: I understand that sir, but did your committee make any assessment of what the total amount of personnel cuts might have to be?

Sen. JACOBSON: No they did not. They anticipated minimal ones of direct personnel cut off.

Sen. HANCOCK: And how could they come to that conclusion?

Sen. JACOBSON: On the basis that I said because the people are leaving and they simply don't hire again or they are vacant positions already.

Sen. HANCOCK: To the extent of how many millions, \$12 million?

Sen. JACOBSON: \$12 million is overall, that is on equipment, current expenses, travel, everything.

Sen. HANCOCK: But isn't it true that there has been a rather careful assessment of current expense money, equipment and travel so that in the main, the cuts will have to come in personnel?

Sen. JACOBSON: No I don't know that that is necessarily true but maybe Senator Trowbridge, because he worked with it much longer than I did, can answer that question.

Sen. TROWBRIDGE: Senator Jacobson, I like to see somebody else struggling with this thing. When you say that you are starting at \$413 million, are you positive that you are not double counting? I'll give you the reason why. The other committee of conference was at a 21 million dollar level.

Sen. JACOBSON: No Senator we are both at 21.

Sen. TROWBRIDGE: 421, then the program lapses and the effort here saying how you cut, brought it down to \$413. You are down at \$407 million. The real difference here is between \$407 and \$421, is it not. That is the real difference between conference two and conference three.

Sen. JACOBSON: No the real difference is between 413 and 407 because in conference two there is a 2% reduction that is accomplished in order to get from \$421 to \$413.

Sen. TROWBRIDGE: I don't care how much you do your mathematics but if it is true, and you are counting the net after cuts then the other thing you would say is \$421 and this budget is really at \$415. Either way it slides, you either take the gross and take out the cut or you do net on each side. You can't have it both ways.

Sen. JACOBSON: That's what I did, I did net on both sides—\$413 to \$407 million. And I have the accounting sheet here if you would like to see the sheet.

Sen. TROWBRIDGE: I understand the accounting sheet I just want to say that if you don't do it net, a lot of

people have been talking about the \$421 figure, and you had that in mind and I just want to bring out to the senate that the true level of spending that you are authorizing is not \$407 but is \$121 less about \$7 million, at that level. That's really what it is and then you program the 3% cut. You are really starting with \$421 in both cases.

Sen. JACOBSON: That is exactly correct. You are starting at \$421 in both cases. The essential difference is that in the committee of conference two you are dealing with a 2% and committee of conference three you are dealing with a 3% cut with a lapse included.

Sen. TROWBRIDGE: Is it not true that the three percent cut is in place of the lapses?

Sen. JACOBSON: No, they included a ½ of 1% lapse in there of \$2,046,000.

Sen. TROWBRIDGE: So then you are really going down below the \$407. You are saying that more than 7 is authorized so that you are down at \$405?

Sen. JACOBSON: No you are at \$409 and you are programming \$2 million in and then gget the \$407 million.

Sen. TROWBRIDGE: If that is true, if you are at \$409 and programming the other lapse then you are really not taking a 3% cut?

Sen. JACOBSON: No that's not right. The 3% reduction from \$421 is \$12,657,000 which brings us to \$409.

Sen. TROWBRIDGE: Alright. And at that point it answers Senator Hancock's question is that you are taking \$12 million not so that the difference between \$413 and \$407, you are taking \$12 million out of what the last committee of conference authorized.

Sen. JACOBSON: Yes. That is right.

Sen. McLAUGHLIN: Senator Jacobson, is it not also correct that there is a decrease in the income for the state in the vicinity of ½ million because the liquor stores in Nashua and Portsmouth were taken out of this committee of conference report from being open on Sundays and therefore we lost ½ million dollars?

Sen. JACOBSON: That is right and what we did was because there was such tremendous opposition against

Sunday sales in the senate that we substituted the ½ million dollars with the increased licenses.

Sen. McLAUGHLIN: Senator is it not also correct that after adding up all the possible income that the state could have from everywhere that you could squeeze it out and so forth, that the figure came to just a little bit short of \$400 million and there is no way we can come up with anything else and we had to find some other revenue to get that and the other expenses we needed for the State?

Sen. JACOBSON: That is absolutely right. When you take into consideration that there hasn't been a single senator in this body that had objected to the 13.7 million increase for the state employees. Bear in mind that if we did absolutely nothing, the figure of \$394.66 million dollars. We did absolutely nothing and you add \$13.7 million to that for the employee's pay raise, and Senator Lamontagne's in favor of it, he said so on the floor, that comes approximately to the \$407 million figure.

Sen. LAMONTAGNE: Senator I would like to go back again to 143 that is on the sales of table wines in grocery stores. Did the committee of conference consider how the merchants would buy their wine, would they buy it through the manufacturer?

Sen. JACOBSON: Buy it from the liquor commission, that is the way it was in conference two. We did not change that.

Sen. LAMONTAGNE: Did the committee of conference have the opportunity of looking over and seeing by put-

ting wines in the stores whether or not the beer sales would decrease?

Sen. JACOBSON: Senator I don't know anything about that, the estimates were that wine would increase by \$2 million dollars. That was the estimate given by the experts.

Sen. LAMONTAGNE: So in other words you people did not look into the possibility of win going into stores decreasing the revenue of beer?

Sen. JACOBSON: The estimate was that the increase on the permits to 6 that beer sales would increase by \$450,000. There is another section that relates to, his salary now by statute is \$60/day. But this committee of conference report will put the salary with the subcommittee on, senate subcommittee for legislative facilities. What this in fact does for him is to provide him with the fringe benefits which he does not have now.

Sen. GARDNER: And does he have the same duties as he has now?

Sen. JACOBSON: He would have the same duties.

Sen. GARDNER: His position doesn't change at all?

Sen. JACOBSON: No.

Sen. ROCK: Senator Jacobson following along the same questions that Senator Gardner just asked, under page 169, 14:9, Senate Clerk, it reads and I quote "the clerk of the senate shall be deemed to be a full-time legislative employee under the direction of the President who shall determine what days the clerk shall be in attendance etc." Is that any change from the present set-up?

Sen. JACOBSON: Yes, the change is that it deems him full-time for fringe benefits but no other change. That is what the present statute says except that the \$60 is taken out and it is set by the legislative facilities committee.

Sen. ROCK: Do the present statutes read quote: "under the direction of the President? "

Sen. JACOBSON: Yes. That only relates to the fact that somebody has to decide with respect as to when he is going to have the fringe benefits, to decide when the vacations are going to be, if he is going to get compensatory time and those kinds of things.

Sen. ROCK: My concern Senator was not for the ultimate fairness and impartiality that the present President has shown in all of these issues but under a situation somewhere down the path where a Senate President might represent a larger majority or a smaller minority might exist in one party or the other wherein the senate clerk would be working "for the President" rather than for all of the members of the senate and that was my concern. However you assure me that the present statutes read exactly as this?

Sen. JACOBSON: They do.

Sen. HANCOCK: Senator Jacobson, I am sure that you realize that the original request from the department of education relative to the handicapped, money going to the local school district was at the rate of \$3 million per year which in effect took into consideration those children now known who required some kind of help. My question sir, at this relatively low level of funding for handicapped children, may we assume and has an assessment been made of how much it is going to accrue to the communities as a result of not funding it fully?

Sen. JACOBSON: In 1978, fiscal 78, it is funded at the same level that it was in fiscal 77.

Sen. HANCOCK: Which was inadequate.

Sen. JACOBSON: Of course it was inadequate. So that it would fall back on the local property tax for the remainder of each local school district. Now we did increase it for fiscal 79 by \$800,000 approximately. Then there is the further problem that the federal act goes into effect and the estimates are from Mr. Kennedy of the department of education that the cost would be in the neighborhood of \$8 million dollars so that if we give them \$1.2 million dollars which this figure gives, they still are going to have to raise about \$6.8 million more money.

Sen. HANCOCK: They being the local communities?

Sen. JACOBSON: The school district and then that money is simply put on the local municipalities.

Sen. HANCOCK: So that the committee of conference really knew that this was an inadequate figure?

Sen. JACOBSON: It certainly is but all of it is inadequate.

Sen. HEALY: Senator Jacobson, should I vote for this conference number three, fail in the senate today, would there be adequate appropriated money to fund a continual operational budget take care of an increase for the state employees?

Sen. JACOBSON: There will be no increase for the state employees until this budget is adopted.

Sen. HEALY: I understand that but what I am trying to get at Senator is in these proposed changes, other than certain increases like soda pop and so forth, is there adequate money available in our appropriation to meet the salary increases of the state employees?

Sen. JACOBSON: No there is not. There has to be a minimum input of about \$9 million from someplace and Senator Healy other than what has already been accepted, if you can give us a suggestion other than the gambling one, because that will not fly in the house I am sure, that the general court both house and senate would welcome it. So I am suggesting for you Senator, I know that you are strong for labor, I think this is the day in which we bite the bullet and vote for the budget.

Sen. HEALY: Senator Jacobson, did we not vote increases in the rooms and meals taxes? Did we not vote increases in the business profits tax?

Sen. JACOBSON: That is correct.

Sen. HEALY: This added money to the budget did that not help to take care of an increase in salary for the state employees?

Sen. JACOBSON: But Senator what you forget is that we have \$42.84 million dollar increase in the budget which is already on the statutes. That is already there on the statutes and I went through the entire list so that that money that you speak of is all going to help fund those projects that already on the statute of which we have done nothing in this session.

Sen. HEALY: This added funding which we have already voted, has already passed, will this be adequate for this appropriation that you say?

Sen. JACOBSON: Yes it is but not for the state employees.

Sen. FOLEY: Senator Jacobson, many times this senate has voted against the multiple licenses for some of the stores as far as the beer goes. The house on the other hand did come in and vote for capital gains. Why didn't the senate conferees then decide as long as the house approved them, let's go along with the house on capital gains? Why did we vote on something that you knew a majority of people were against?

Sen. JACOBSON: Because there was a majority of the people against the capital gains tax.

Sen. FOLEY: There was a choice and you picked one that we hadn't even brought up this year. We hadn't even discussed this year in reference to licenses for the stores.

Sen. JACOBSON: But it was at the request of the senate.

Sen. FOLEY: I wondered, you mean a group of Senators or one Senator, or two Senators?

Sen. JACOBSON: Well, I don't know what the group represented, but Senator Downing suggested the motion for licenses for beer.

Sen. TROWBRIDGE: Senator Jacobson, do you recall in February before the governor's budget, that I made a presentation to this body which said that doing nothing, no pay increase, no nothing, we would need \$51 million more than we were then asking. Do you recall that discussion?

Sen. JACOBSON: I recall that discussion.

Sen. TROWBRIDGE: Do you recall also that when you take the \$13.7 million of pay increases, that rises it up to \$64.7, is that correct?

Sen. JACOBSON: I will accept your figures since I am not expert in this.

Sen. TROWBRIDGE: And if you do that you come out at \$415 million which is approximately where you are right now?

Sen. JACOBSON: Yes, except that we probably have that de-escalator in there and that is the difference.

Sen. TROWBRIDGE: So that from your point of view,

if you were thinking of what guidelines you have when we started the senate process, that my prognostication was not too far off from where we are right now?

Sen. JACOBSON: Senator I would like to say that what we are really talking about is not a 25% increase in the budget but about a 3% increase in the budget.

Sen. SANBORN: Senator Saggiotes I would like to address these questions to you even though you have not addressed to this new budget. You spoke the other night relative to the increases in the budget and what it might foretell in the future. Could you give us regardless of Senator Jacobson's statement that there is only a 3% increase in this budget and it seems to be a little bit higher than that, isn't that true since we were something like \$351 million in the last biennium and we are here \$415, that sounds like over 3% to me?

Sen. SAGGIOTES: I think you have to compare oranges to oranges. The \$351 million base figure for the appropriation that we operated under 76 and 77 to that as Senator Jacobson mentioned, we must add your 7 plus million dollars in increase in debt service which we can't alter. Then you have the \$5.4 million for the parks income that is included in this budget and it is also included as an appropriation. He alluded to the indirect costs, your statutory appropriations that you are obligated to, your \$13.7 million for pay raises that everybody seems to favor, your increments, your retirement contribution and all that and it actually you should be looking at a figure of about \$390 million rather than \$351 so you are comparing \$390 to \$421 roughly, which is an increase of actually about 7%.

Sen. SANBORN: Senator with the reduction that Senator Jacobson has spoken about and bringing this down to \$415, and then later to \$407, it has come up and down here like a bouncing ball, what I would be interested in at this time, is what your estimate is somewhere down the road not this biennium but the next biennium and the 81, what would you foretell as probably that this increase of the budget from last biennium to this

biennium including the statutory, from this one to the next one in 79, would be what?

Sen. SAGGIOTES: The total budget? I would say if the rate of increase leveled off and didn't increase, I would say that you would be talking in the vicinity of close to $\frac{1}{2}$ a billion dollars in general funds.

Sen. SANBORN: Probably in 81 or 82 budget it would be what over that, just a quick guess?

Sen. SAGGIOTES: I would say close to \$600 million.

Sen. SANBORN: What kind of taxes would you expect we would have to add in either the next biennium or the future biennium to even come close to paying this?

Sen. SAGGIOTES: Well Senator your guess is probably as good as mine. I would probably say that consideration will have to be given to many special sales taxes which in effect gives us a general sales tax, either that or an income tax and possibly you may need both.

Sen. SANBORN: That increase and from the estimates that have been given to us, this biennium for sales and income tax, do you think that the combination of the two of them would even pay the bill?

Sen. SAGGIOTES: Depends on what is appropriated Senator.

Sen. SANBORN: At this same rate?

Sen. SAGGIOTES: At this same rate you probably would have to have both.

Sen. DOWNING: Mr. President, I rise in opposition to the pending motion and I want to tell you that with the heat here today I had no intention of speaking at all just voting but the realization that I have such awesome power within the conferees I thought I should address myself somewhat to it and this seemed to be the way to do it. First of all I would like the senate to know that I opposed the last conference report because Sunday sales and the wine in the grocery stores being the Democratic Leader of the Senate I have one appointee of the conferees. I appointed Senator McLaughlin and I told him that I felt very, very strongly about Sunday sales, wine in the grocery stores and I wanted him to work to eliminate both of them. And Senator McLaughlin's concern was,

well where is the revenue going to come from. At that time I explained to him that it was the experience, my experience as Chairman of the Ways and Means Committee on several occasions to have estimates of income of open licensing of beer. Now we have estimates of $\frac{1}{2}$ million to 1 million for 6 to 8 licenses and up to \$2 million for open licensing. Now I recognize this is a controversial subject here, I recognize that the mom and pop stores don't want it, they think it is going to put them out of business. I don't sympathize with that view, I never have. All the years that I have been in this chamber you know that I have supported open licensing and I felt that the limited licensing that we have is a restriction on the free enterprise system that isn't really good for anybody and I thought we could only produce more revenue and do more business if licensing was open but that was a decision of the conferees. I am surprised to learn that my insistence which it wasn't my insistence to put in multiple licensing, merely my advice from experience gained in Ways and Means of what revenue could reproduce if they used that vehicle to do it. The decision to my knowledge, was entirely the decision of the conferees. I was insistent upon eliminating Sunday sales in grocery stores for wine. In fact, Senator McLaughlin did an excellent job in getting half of that out. But batting 500 isn't sufficient for me to support this bill or this conference report. I still oppose very strongly the wine in grocery stores at this time and for that reason I will oppose the conference report.

Sen. ROCK: Mr. President, earlier I had indicated that there might be need for some action for this senate to take of extreme importance to the state of New Hampshire in its fiscal plight. I am not sure at this point at what juncture that action should take place. You will remember Mr. President, members of the senate, I was one of the senators who voted for plan C which narrowly missed passage in this body by 1 vote and which was passed by the house. I then took part in a committee of conference and I can express my sympathies to Senators Jacobson, McLaughlin and Saggiotes, because I had only

one day of that and I know what an ordeal it is. It is probably one of the most difficult things any legislator will ever be asked to do. And I say that not because of the great magnitude of items that come before you with extreme rapidity but because all of us are concerned with the financial position of the state, the financial difficulties of our state employees and those in the university system, and also what the general public is saying, looking at us as legislators, why can't they get their house in order. I have an area in which I have extreme concern in this committee of conference and yesterday when I was questioned by the press, I felt that I might be able to support this committee of conference report, having supported plan C and having supported the second committee of conference report, it would seem that one would not have a great deal of difficulty in settling somewhere in between. But I see inserted here that just waves the brightest red flag in my face that I have ever had waved in it. It is a position on which I have never wavered either in the house or in this senate and that is giving a foothold to Cumberland Farms and the giant chains that are going to put the small stores out of business. Now it is obvious that if you don't want to carry beer in your store, whether you are Cumberland Farms or the Atlantic & Pacific Tea Company, you don't have to carry beer. Nobody makes you carry beer. Obviously it is a great draw, it is a tremendous draw. Having spent several years in the supermarket industry for the Champagne chain which is now deceased, I know how important those beer licenses are and when you say to these chains, here are six licenses, you are going to have the chains themselves becoming beer distributors so you are not just affecting the mom and pop stores, you are affecting the beer distributors in this state and you are giving them the license to put the small stores out of business. If you don't believe me, go and ask some of your corner stores that stay open late hours, open early in the morning, stay open all day Sunday because the guy that goes in for the six-pack is going to pick up a quart of milk, something else, his wife already did the family shopping down at the

chain and if she had been able to get the beer there, he wouldn't be at the store at all. It is the lifeblood of the small store. And you may say it is only six, but it will be 60 next time when this legislature meets and if you are going to have more than two, you might as well have 600 because the mom and pop store only has one. Again there are many things in here that I appreciate the committee of conference keeping in, I think there are parts of it that are good but as I understand the committee of conference report, it is not ours to pick and choose, even though Senator Jacobson says he'll be glad to take that out for you, you either accept the report or you reject the report. I have prepared a continuing resolution at the proper time Mr. President, that I would like to introduce because it is my feeling that I must vote against this committee of conference report as hard as it is for me to do it at this time. My continuing resolution if I am allowed to introduce it, under the special session rules, which are nonexistent, would include an immediate pay raise for all state employees at the level of 7% effective with the June 14th pay period. I have that resolution drafted and I would hope that I would be able to introduce it if this budget does not pass.

Sen. LAMONTAGNE: Senator I have just one more question that I would like to ask you. In reference to the footnote that there is in the committee of conference report, and I am referring to the beer licenses changing from 2 to 6, would this mean that the chain stores would be able to purchase their beer from wholesalers or direct from the manufacturers?

Sen. DOWNING: The wholesalers.

Sen. JACOBSON: I think it says in here that someplace else about the beer that it has to go through the distributors, no matter what.

Sen. LAMONTAGNE: In other words it would have to go through the wholesalers?

Sen. JACOBSON: Right. I have a question of Senator Rock. Senator you have introduced a resolution, you have planned to introduce a resolution that will give the automatic pay increase. My question is, from what funds would you pay it?

Sen. ROCK: The date of the continuing resolution would be up to and including September 20th or the passage of a budget whichever comes first and it is my understanding that there is adequate monies available to fund the pay raise through that period. We also know Senator that there have been measures accepted in this senate and again I said it on this senate floor, that to make that motion as I did that we increase the residence tax which would produce \$9 million was a very difficult thing for me to do. I have already been extremely criticized for doing that. I did it because that is the amount of funding that you need to fund the pay raise. There is the \$9 million. It is there. You don't need the soda pop tax, you don't need the wine and kill the mom and pop stores with 6 beer licenses and yet we, and I ran into the same roadblock, but somebody has to let that message that we are bicameral, reach the house in some way, the senate has adopted the head tax by 15 to 8. We have approved it. The alternatives are only that we must accept what the house wants. The time has come where we are going to say no to that senator and one of the things that we feel are essential should be put in here. I think that I am correct and I will stand to be corrected if I am wrong, that there is adequate monies to fund the pay raise through September 20th. I think that we can through negotiations make it understood that there are certain things that the senate will accept and certain things that they won't. And that is my answer to your question. The money will come.

Sen. JACOBSON: If the house does not buy the September 20th?

Sen. ROCK: Then I would think then Senator that a date somewhere in that vicinity would be acceptable to me. I don't want to try to do it in a three day rush session. I don't want to come back four days from now and

face the same critical, crucial deadlines that you and Senator McLaughlin and Senator Saggiotes faced then if not September 20th then October 4th or the 25th and so forth when cooler heads will prevail.

Sen. JACOBSON: What about the step increases that are automatic. How ill we pay for those?

Sen. ROCK: As I understand we are now operating under a continuing resolution that operates on the level of HJR 1000 for the purpose of spending purposes.

Sen. JACOBSON: No.

Sen. ROCK: It does not. I beg your pardon, on 77 level. So if you are establishing on the 77 level then I don't know that you could give the step increases.

Sen. JACOBSON: I may be wrong Senator but aren't they automatic?

Sen. ROCK: I would have to defer to someone else Senator I don't know.

Sen. JACOBSON: The capital debt must be paid.

Sen. ROCK: Yes.

Sen. JACOBSON: That's 7 million.

Sen. FOLEY: Senator Rock it is my understanding that some people aren't receiving their full pay in state government. Would your resolution take care of this problem?

Sen. ROCK: I was not aware that there were people who were not getting a full pay. I thought that was already taken care of.

Sen. FOLEY: They received a slip in their pay in which it said this is not your full pay, it will be coming eventually.

Sen. ROCK: I am not aware of that.

Sen. BRADLEY: Senator Rock, could you tell me what, how your continuing resolution in dollars, would relate to the dollars that we have been talking about today. We have been talking about committee of conference two at the level of \$421 million less something and today it is \$416 discounted by something.

Sen. ROCK: You can't do that. The reason is that the committee of conference that works out a proposed compromise sets levels. You can't set levels in a continuing resolution other than what you have already been doing.

This continues at the 77 level so it doesn't do anything with any footnoted tax or any reduction.

Sen. BRADLEY: The previous level 77, was something like \$350 million.

Sen. ROCK: Right and you would be adding to that, \$13 million for the pay raise which is already taken care of in the increase of the business profits tax and it is that old story that Senator Monier keeps asking, well why is it that one that is always talked about. But there are automatic increases that are coming from increased business profits tax that you voted, increased rooms and meals tax which you voted, increased license fees that you voted, gasoline tax which you voted. So those have already been voted and are passed and have become law.

Sen. BRADLEY: What about things like the increase in debt service, things like . . .

Sen. ROCK: You are going to have to pay it.

Sen. BRADLEY: But that is not provided for in your resolution.

Sen. ROCK: I don't think we have any choice as to whether or not you are going to pay for those increases. You don't pay those increases as in the committee of conference report either, you just pay them because they are due and if you don't have a continuing resolution and this budget does not pass, then we have been told and I have been told that if I want to call on the telephone and check it, that you can certainly go ahead and do it, that the triple AAA bond rating of the state of New Hampshire will be revoked and it won't be automatically restored simply because you do have a budget or a continuing resolution. Moody's has said that you have to possibly be reexamined to see if you still have a triple AAA bond rating. So the reason I said when I began today that we have a fiscal crisis above and beyond what we know we have is that the bond rating is now in jeopardy and if you don't have a continuing resolution or a budget and I'll read from my resolution: it says that the provisions of HJR 1 of the special session of 77 shall continue in effect until September 20th, 1977 or until an operating budget for 78, 79 takes effect, whichever shall first occur. So I

am hopeful that, we may be able to do it before September 20th. I would assume that we would have another committee of conference, that they would go back to the drawing board and I would assume that we would be working on it immediately but we are not under the gun of having to come back four days from now and do this all over again. I didn't see this. I have great faith in Senator McLaughlin who discussed with me on the telephone what is in there. I didn't see this until I sat down here today. I don't think that is the way that you want to deal with it.

Sen. BRADLEY: Me neither Senator. I wasn't suggesting that we go without one or the other.

Sen. SANBORN: Well actually we are not trying to get on another subject of your proposed resolution but even if we pass this budget today, would it be in effect by midnight tonight?

Sen. ROCK: Very good question Senator. As I understand it has been taking some time for enrolled bills to handle even the most simplest of legislative matters. If you would consider the magnitude of the budget and understand that senate finance did certain things, house appropriations did certain things, that the enrolled bills will have to follow this line by line by line for 300 pages, it is estimated that it could take five days for them just to go through it and then once it goes to the governor's desk, he has another five days in which he can veto or sign it. So it is more than conceivable and it is extremely possible that even if the committee of conference report is accepted, my resolution would still be necessary because it could be two weeks before you still had a budget enacted or should it be vetoed, vetoed. I think this resolution is essential no matter what happens and that is why I was hoping that we could consider it before we get into the debate so that we could explain those things.

Sen. TROWBRIDGE: Senator Bradley, on your question about where we would be on the continuing resolution, one of the things is, do you realize that one of the things in the \$351 million that we talked about for the 76-77 biennium, there is a disproportionate amount in the

77 year as opposed to the 77 year as opposed to the 76 year. About \$10 million higher than the 76 year and when you say we are going forward on the basis of 77 as opposed to the whole biennium that escalates you up to about \$378 million as the starting point, if that answers your question, then you add on the debt service which by statute you have to pay whether you appropriate it or not and some of the other items like the step increases all come into play so if you did add the pay raise to it you would go over \$400 million?

Sen. JACOBSON: Not being the fiscal expert that you are Senator Trowbridge, and having struggled valiantly on this, as I understand your rhetorical question to Senator Bradley was that if we go with this resolution plus the built-in factors plus the pay raise you will be over \$400 million dollars anyway.

Sen. TROWBRIDGE: By my rough calculations, I just did it here during this discussion because I think Senator Bradley had a valid point which should be answered. It comes actually to \$401.2 million by my calculation.

Sen. SMITH: Even if we had to adopt the continuing resolution this continuing resolution though it takes care of state pay raises, are there not other things which we are committed to or that have to be paid that are not taken into consideration in the 1977, 76 budget so that if we have this continuing resolution based on that rather than 1000 does this not lead us into some difficulty.

Sen. TROWBRIDGE: You have two elements here. You have the ones that Senator Jacobson and others are now getting into this, are beginning to realize are built-in factors. Very difficult not to pay the debt service. You would in effect, the full faith and credit of the state would go down the drain and your credit rating would plummet. So there is a statute that says you pay it anyhow. And there are the other built-in items which if not appropriated like water pollution, will not be paid. They don't have a saving statute. They will not be paid. These step increases as I understand it would be paid because the personnel rules say that happens anyhow. That is only \$1.2 million. The other points that you are not talk-

ing about, is where do you make the payment for the Honeywell computer. That payment missed the last budget because they didn't have the payment in there, they only had it for one year, not two. It is not in 77. It comes every other year by contract so that there would be nothing in there that would say you make a payment for the computer. Those are the distortions. For instance, the other question is do you open the veteran's home new facilities. No. Do you run the Hayes building, the new Department of Safety which as you all know we had a deficit appropriation this year to pay for the opening of the building because there was no appropriation for the James H. Hayes building because it wasn't supported to be on-line until the new budget went into effect. No new budget there is no line for the James H. Hayes building. So I am just pointing out that beyond the things that Senator Jacobson brought out as being built-in there are a lot of things in HB 1000 that are absolutely necessary for the state of which there would be no quarrel by anybody here, which will not be under any continuing resolution.

Sen. LAMONTAGNE: Senator Rock, I wonder if you could answer this question. The reason why I am asking this question, there have been many cities and towns who have been worried about the checks for the rooms and meals tax that were supposed to have been in the mail by July 15th. Is this true that the checks have been in the mail as of last Friday afternoon?

Sen. ROCK: I was told by the comptroller's office that those checks have been signed and have been mailed and should be at the cities and towns now.

Sen. LAMONTAGNE: At the same time the 1977 figures are not with the new rate.

Sen. ROCK: That's correct. Because of the continuing resolution that we were working under, it was under the old rate but that can be handled retroactively.

Sen. BERGERON: Senator just out of curiosity, we adopted a continuing resolution effective July 1 and today is July 19th. Based on the current spending of the last biennium, how much money have we saved in the last 19 days based on the last biennium spending.

Sen. JACOBSON: I have no idea probably nothing.

Sen. FENNELLY: If this committee of conference report is defeated I think we should learn something from it. I think that if we are going to have a continuing resolution that the members of the senate and the members of the house had better forget about the soda pop tax and they better forget about the wines and look at a new source of revenue. What I am about to say almost passed this senate which will raise approximately \$24 million dollars and that will be the tax on new cars, trucks, motorcycles, right across the board. And I think that is the last tax that is going to raise that kind of money to support the pay raise and everything else?

Sen. JACOBSON: This is a rhetorical question Senator. Would you believe that we researched that and it will not raise \$24 million it will raise \$12 million.

Sen. FENNELLY: \$12 million per year or over the biennium?

Sen. JACOBSON: Over the biennium.

Sen. FENNELLY: In response to that was anything taken in pertaining to old vehicles and not just the new cars.

Sen. JACOBSON: That is all vehicles.

Sen. FENNELLY: Trucks and everything else.

Sen. JACOBSON: Everything, that is the transfer tax.

Sen. BRADLEY: Mr. President, like Senator Rock, I didn't dispute this either until I came in here today and I frankly didn't know how I was going to vote on it. I think I do now although it is a real struggle. In my mind, I think the situation comes down to this: Senator Rock's proposal really isn't all that much worse or all that much more inadequate than this budget. But Senator Rock's proposal of voting this down and going with a continuing resolution for a while, at least has the virtue of saying to ourselves and saying to the public, that we realize the inadequacy of the situation. We realize that we have further work to do, we realize that we can't just sweep this under the rug, we have to come back. Now there is no doubt in my mind that if we pass this budget that we are going to have a problem soon enough anyway, that we

would come back but we would have told ourselves that we didn't have a problem now I can find a number of things in here that I don't like either. I don't like the business about the multiple licensing, I don't like to have the liquor commission building their empire bigger with the distribution of wines. But those are minor things. The real problem with this budget is what Senator Jacobson said in answer to a question, this is an inadequate budget by anybody's standards. I am going to vote against it and I am going to vote for Senator Rock's continuing resolution or some similar continuing resolution telling my constituents that I hope that the issue gets studied harder, that we recognize the problem, if somebody can find those cuts to reduce this budget as some of you think you want to be able to do, if you can find those cuts and identify them and put them in here, maybe I'll vote for them. But I am not going to vote for across-the-board cuts when I don't know what they mean. That's all I have.

Sen. Trowbridge requested a roll call. Seconded by Sen. Lamontagne.

The following Senators voted yea: Jacobson, Saggiotes, Trowbridge, McLaughlin.

The following Senators voted nay: Lamontagne, Poulsen, Smith, Gardner, Bradley, Bergeron, Monier, Blaisdell, Rock, Keeney, Hancock, Healy, Sanborn, Provost, Brown, Bossie, Fennelly, Downing, Preston, Foley.

4 yeas 20 nays

Motion failed.

Recess.

Out of Recess.

VETO MESSAGES

July 15, 1977

To the Honorable Members
of the General Court

I am returning herewith Senate Bill 4 together with my objections noted pursuant to Part 2, Article 44 of the New Hampshire Constitution.

This bill would establish a board of claims with full authority to hear and authorize the payment of claims without specific appropriations of up to \$10,000 a piece.

There has been, however, no demonstrated need for the establishment of a new governmental agency; for example, during the 1977 regular session there were approximately 15 claims submitted in relatively small amounts and only several of those were actually paid. All could have been incorporated in a single bill.

The few claims that are presented each biennium to the Legislature can be easily and properly handled by a legislative committee and specifically appropriated for.

The bill creates an expensive board with little work to do. The concept itself of self-appropriation that is embodied in this bill is fiscally unsound. Furthermore, the very existence of this board will encourage claims that perhaps would not otherwise be brought against the State.

Our State Constitution provides that the people have a right to petition the General Court for redress of any wrongs. Such procedure should follow the route of a normal House bill or Senate bill including presentation to the governor for his approval or objections. This bill, strongly pushed by the State Supreme Court, in my judgment subverts that constitutional mandate.

Sincerely,
/s/Meldrim Thomson, Jr.

Sen. Trowbridge moved that the Senate pass SB 4 notwithstanding the Governor's veto.

Sen. TROWBRIDGE: I am in favor of that motion. Now the governor's message comes to you saying that this is fiscally unsound and that there is no need. Those are the two salient parts to his message. Let's talk about being fiscally unsound. We now know that the supreme court of the state of New Hampshire by judicial decree took away the sovereign immunity of the municipalities. That is not speculation, that is fact. In that case they held that a city was liable notwithstanding the doctrine of sovereign immunity. In that decision written by Justice Keniston, they said, we are not taking up now the sovereign immunity of the state because we understand that there is a way that the state can take care of claims so that we do not have to outlaw and get rid of sovereign immunity on the state level. This was brought to my attention in senate finance. It is my bill only because I am trying to be responsible. I picked up that clue and I said let's draft the bill with Justice Keniston to make sure that at some future date when a claim comes against the state which is not satisfied here in the general court, that we will not find ourselves without sovereign immunity. If sovereign immunity goes I can assure you that it will be the most physically unsound thing that you have ever done. Now here I am the so-called liberal, spender and all that trying to save the state money by preserving the doctrine of sovereign immunity by following the guidelines that have been given to us clearly by the supreme court of New Hampshire and the governor doesn't seem to realize that what he is doing is opening the way for another suit to be filed and come in and say look, supreme court, if sovereign immunity doesn't apply to the cities and towns there is no logical way that it can apply to the state. There is no way that logically that can happen. The same issue is involved. The problem is that the cities have no means such as the general court to take care of things. The state has the means and that is why

in SB 4 it is only up to \$10,000 and then the issue comes into the general court for a decision. So we are not abrogating all of our responsibilities, we are saying that the first \$10,000 of a claim can be decided by the court of claims under SB 4. After that it has to be approved by the legislature. In this way we are preserving the sovereign immunity of the state. Now frankly I don't care whether SB 4 passes personally, I have no stake in it. I am doing this all on the theory that we owe it to the state of New Hampshire to pick up the clues as they come into us. And the Governor can't see it then I really think that he has a blockage in his mind. He is wrong, there is a need and if you don't do it I am going to bet you that that Supreme Court is going to turn around and rule and you are going to say, gee we want to put in SB 4 and it will be too late. I think that once they have made that decision they are not going to go backwards even if we put in a bill and say that sovereign immunity is now the law of the land so I warn you this is one where the governor is just plain wrong. Overturn his veto and pass the bill.

Sen. BRADLEY: Senator Trowbridge, I don't have the bill in front of me but don't I recall in that bill like right at the beginning of the thing a declaration of legislative policy that there shall be sovereign immunity.

Sen. TROWBRIDGE: Yes indeed and we did that in that bill and in another bill.

Sen. BRADLEY: So that if we do not pass that bill, isn't that a statement that we don't want sovereign immunity?

Sen. TROWBRIDGE: Yes indeed. I thank you Senator Bradley for that point because there never has been in research on this bill there has never been a statement by the legislature saying that sovereign immunity is the law of the land. It has always just been just case law that the sovereign was a bill. The case was changing so now it is incumbent upon us to state legislatively that that is what we want but we have provided for a safety valve to take care of claims against the state during the interim period on small claims that have judicial type people on there,

that have representatives from House and Senate on the Board of Claims, so it is not just judicial or lawyers, it has all the balances, it has been back and forth between the House and Senate, carefully worked out, carefully compromised, it is a good bill and it is necessary.

Sen. BOSSIE: I rise to add to the legislative intent that Senator Trowbridge and Senator Bradley just put in the record. Further I would like to say that Senator Trowbridge is 100% correct in his analysis of this very serious bill which the governor has vetoed because apparently he doesn't like more bureaucracy. Well nobody likes more bureaucracy. The fact remains that New Hampshire is one of the few states that does not have such claims board and I think it is outrageous that everytime an individual wants reparation from the State of New Hampshire that he has to find some clunky representative of clunky senator to spend \$300 to have a lousy bill printed when the claim might be for \$54. We had one earlier this year and we have had some that have been defeated for \$25, \$15. Now that is outrageous. If we had a claims board like this it would work efficiently and would consist of all sorts of people. I think we are just crazy if we don't override this veto and vote yes on it.

Roll call vote: The following Senators voted yea: Smith, Bradley, Bergeron, Saggiotes, Monier, Blaisdell, Trowbridge, McLaughlin, Keeney, Hancock, Sanborn, Provost, Brown, Bossie, Fennelly, Downing, Preston, Foley.

The following Senators voted nay: Lamontagne, Poulsen, Gardner, Healy.

18 yeas 4 nays

Adopted by 2/3 majority vote.

July 12, 1977

To the Honorable Members
of the General Court

I am returning herewith SB 71 together with my objections noted pursuant to Part 2, Article 44 of the New Hampshire Constitution.

While I am in complete sympathy with those persons who are afflicted with Hemophilia, particularly those who are unable to carry the financial burden themselves, I cannot permit the establishment of a new program without any funding. There is no State appropriation in this bill and I am advised by Dr. William Wallace of the Division of Public Health Services that there are no federal funds available if this bill were to pass.

I am also opposed because, however worthy, this program is one of many that need to be reviewed, considered and acted upon by the General Court as a matter of priorities bearing in mind available funds. To pass this law and not others is to take a piecemeal approach without apparent consideration of relative importance to other programs.

Sincerely,
/s/Meldrim Thomson, Jr.

Sen. Preston moved that the Senate pass SB 71 notwithstanding the Governor's veto.

Sen. PRESTON: Mr. President, this is the second session that Senator McLaughlin and I have sponsored this bill. It doesn't affect a lot of people so politically I guess it wouldn't hurt anyone to vote against it. But there are some 44 to 50 people in the state who are afflicted with hemophilia. In the last session this bill lost because we cut the funds down but they said it was nothing available so it died a natural death. In this session the people that had asked us to support this, those afflicted with hemophilia would have been satisfied that the state had at least recognized that all people aren't healthy and that we had legislated for the kidney shut-down disease bill that this was just as serious. Some of these families spending

\$10 to \$20,000 per year just to maintain themselves as normal individuals. One particular person has sold his home and his business to maintain a child afflicted with the disease. There is pending legislation in congress that will assist these people. All the money was taken out of the bill. All it would do is to recognize there is such a disease, that there are some human beings in the state of New Hampshire afflicted with it and if there are any programs that we could take advantage of that like Pennsylvania and Massachusetts in the last 2 to 4 years, we would recognize this need and see if we could help them to be normal citizens that could be up and around and working and not on the welfare rolls. No cost whatsoever, it is not going to hurt anyone and I urge that we vote to pass this legislation.

Sen. McLAUGHLIN: I would like to rise at this time along with Senator Preston and I wish you would vote to override the governor's veto on this one. I have no reason why he would veto this. As Senator Preston said we had this bill in the last session, there was \$40,000 on it, it passed the Senate and it passed the House. When it came to house appropriations, the gentleman in charge, said there wasn't enough money to fund it at all. This time we would put it out without funding because the people wanted it, people have said that federal help would be forthcoming in the near future for them and we had a pretty good size hearing on it. Lots of people from out of state as well as people from inside the state testified in behalf of it. I urge that we override the governor's veto on this bill so that people that have this problem we can give them some assistance in the near future.

Roll call vote: The following Senators voted yea: Poulsen, Smith, Gardner, Bradley, Bergeron, Saggiotes, Monier, Blaisdell, Trowbridge, McLaughlin, Keeney, Hancock, Healy, Sanborn, Provost, Brown, Bossie, Fennelly, Downing, Preston, Foley.

The following Senator voted nay: Lamontagne.

21 yeas 1 nay

Adopted by 2/3 majority vote.

July 12, 1977

To the Honorable Members
of The General Court

I am returning herewith Senate Bill 171 together with my objections noted pursuant to Part 2, Article 44 of the New Hampshire Constitution.

Section 3 of this bill expands the power of the Governor and Council to participate in what is more probably a regulatory function of government. SB 171 would have the Governor and Council regulate not only the placing of fill in public owned water bodies but also the erecting of structures and placing of fill in tidal waters.

The decision of whether to grant a right to place structures in tidal waters is best left to the expertise of a regulatory authority. This measure misplaces final approval for such projects in the political arena.

Furthermore we should not enact into law legislation which overly complicates governmental operations and forces ordinary citizens through a maze of regulations and politics.

It is unfortunate that this section is coupled with section 2 of the bill, which I favor, because it removes the vast majority of small dredge and fill projects from the oversight procedures of the special board. However, in my judgment, greater harm will be caused to this state and our citizens and industries by letting this bill become law.

Sincerely,
/s/Meldrim Thomson, Jr.

Sen. Smith moved that the veto message on SB 171 be laid on the table.

Sen. SMITH: Mr. President, it is my understanding that the governor objects to one sentence basically in this bill that it could be rectified by a new bill by just striking the one sentence even though the attorney general and George McGee agreed on this bill. If we wanted to have it as a new bill which I gather we are going to be back later, would it be appropriate at this time to make the motion to table the resolution.

The CHAIR: It is appropriate to table a resolution of this nature however such tabling would have no bearing on any other bill. The motion to table it would be appropriate.

Adopted.

Sen. Sanborn in the chair.

July 18, 1977

To the Honorable Members
of the General Court

I am returning herewith Senate Bill 189 together with my objections thereto as provided in Part 2, Article 44 of the New Hampshire Constitution.

I do so reluctantly because I supported this legislation and believe that it is important for the future of our coastal communities in particular and our State in General.

However, this bill does not adequately provide for a home rule referendum.

As presently written, all seventeen communities in the coastal area that would be substantially affected by this bill would be bound by this new law if but nine communities approved it by a majority vote in each and by a

simple majority of all of the persons of all seventeen towns who voted.

I believe, and have so indicated on several occasions, that the home rule referendum must apply to each community affected so that no community that opposes the enactment of this legislation will be forced to comply with it.

Had this been accomplished and made a part of the bill, I would have signed it.

It has been argued that if this bill does not pass the federal government will step in and take over; also that future federal funding would be jeopardized.

This argument would, I believe, leave most New Hampshire citizens asking "so what! If we are a free and sovereign state then there is no federal trade off of our precious right of home rule."

Sincerely,
/s/Meldrim Thomson, Jr.

Sen. Monier moved that the Senate pass SB 189 notwithstanding the governor's veto.

Sen. MONIER: Mr. President, I came to the floor because this is a bill that I have had a personal interest in and I might add have a professional interest in as a result I wish to speak on it. I once again can assure this body that I do not like to attempt to override a governor's veto and I don't care if it is Governor Thomson or someone else. On this particular case, once again as I did with SB 4, which restored sovereign immunity, I must reject the governor's reasons for this veto. To be quite frank with you, the coastal zone management is something that regardless of what the governor says, there is no question in my mind that sometime in the future and I put that in quotes, the federal government will imply or impose upon

a state with a coastal zone area, coastal zone management regulations. I agree with the governor and I have said so publicly many times, the federal government ought to keep their nose out of sovereign state's business but that isn't going to change the fact that they don't keep their nose out of sovereign state business whether you like it or not. I don't like it and if I ever get a chance I would try to change it. But the truth of the matter is that sometime in the future if this state does not enact coastal zone management, the federal government will impose it. That is point number one and it is in direct opposition to what the governor states. Number two, home rule. Now quite frankly I have a number of feelings about home rule and I have expressed those before. I think it is a hypocritical and a group of hypocrites that use it whenever they so desire. For example, during the oil refinery situation that we had, Durham did not want therefore they insisted in the house during two days of debate all kinds of arm twisting, that an individual town ought to have the right to reject an oil refinery. They wanted and they said so but at the same time at a later time when Newington said they wanted one, at that point the whole situation changed and the same people and the same opponents and advocates of this situation turned right around and said no, if it is going to affect the next town, you shouldn't do this. This session alone there was a bill in about home rule that did not bring up the basic issue of home rule but brought up how home rule could be expanded outwardly to contiguous towns because it might affect them. And that is part of the whole problem and I don't want to get into it. But home rule is represented in this in that each town does have a vote. Each town would accept it by a majority vote or not. There is a compromise in this that I myself sat in on, Senator Hancock sat in on and I think that it ought to be a matter of record that the two of us agreed at that time, that hasn't happened during the whole session, and that compromise was that a majority of those towns passing that, that a majority vote is there. Now you can't go beyond that to insist that every single town of the 17 towns had a major-

ity vote, is tantamount to saying, kill the bill period. Now that may be a good idea except for the first argument that I made but the whole point of the issue is that home rule is a compromise in here, one which I don't agree with on home rule at all but there is a majority vote of the towns in here of the 17 towns affected, there is a requirement for a majority vote in each town and that ought to be enough. I urge very strongly that we override this veto.

Sen. HANCOCK: Mr. President, members of the Senate, as co-sponsor of the legislation I join with Senator Monier in asking that you override the governor's veto. I am quite shocked at the veto of this particular piece of legislation because it was the governor's office that asked me to co-sponsor with Senator Monier. I did so with some reluctance because of the referendum issue. However as Senator Monier has indicated we did agree that this would be left in the legislation. I think that this body should now that for the past 4 years the office of state planning has spent somewhere in the vicinity of $\frac{1}{2}$ million with the express purpose of making the necessary analyses plans recommendations, suggested regulations on behalf of the state for the seacoast area. Now that is a considerable amount of work and a considerable amount of money and it has been done in a very professional and laudatory manner and I think that it is unwise of the governor to take this step and I think it is unjustified and I certainly hope that you will join with Senator Monier and me in overriding this veto.

Roll call vote: The following Senators voted yea: Smith, Bradley, Bergeron, Saggiotes, Monier, Blaisdell, McLaughlin, Keeney, Hancock, Healy, Sanborn, Provost, Bossie, Fennelly, Downing, Preston, Foley.

The following Senators voted nay: Lamontagne, Poulsen, Gardner, Brown.

17 yeas 4 nays

Adopted by 2/3 majority vote.

Recess.

Out of recess.

Sen. Monier in the chair.

Sen. Jacobson moved that the Senate nonconcur with the committee of conference report on HB 1000 , making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979, and establish a new committee of conference.

Adopted.

HOUSE MESSAGE
HOUSE REQUESTS CONCURRENCE
INTRODUCTION OF HOUSE BILLS AFTER THE
DEADLINE WITH THE APPROVAL OF 2/3 JOINT
RULES

First and Second Reading and Referral

HB 1206, relative to the reorganization of the New Hampshire transportation authority and prohibiting the removal of railroad track related structures. (Joint Rules Committee for Hoar, Rockingham Dist. 8). To Transportation.

HB 1207, to create and provide police powers for the security forces at certain state institutions. (Joint Rules Committee for Griffin, Rockingham Dist. 19). To Judiciary.

SUSPENSION OF RULES

Sen. Downing moved that the rules of the Senate be so far suspended as to allow HB 1206 and 1207 be placed on second reading at the present time.

Adopted.

HB 1206, relative to the reorganization of the New Hampshire transportation authority and prohibiting the removal of railroad track related structures.

Adopted. Ordered to third reading.

HB 1207, to create and provide police powers for the security forces at certain state institutions.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Downing moved that the rules of the Senate be so far suspended as to place HB 1206 and HB 1207 on third reading and final passage at the present time.

Sen. DOWNING: Mr. President, the reason why I make the motion is that this was a bill that was to be vetoed by the governor, it was vetoed by him, he made it clear his objections and the sponsors have reworked the bill and taken out those parts that were objectionable to the governor and now it is acceptable to him. I don't think there is any reason why we should have trouble with this bill and why can't we just pass it and move it along. It is not a controversial article nor is the other one HB 1207.

Sen. POULSEN: I rise in support of what Senator Downing said.

Sen. HANCOCK: I rise in support of the bill. I think the objectionable parts have been taken care of as has been stated and as I said earlier the house passed it by 238 to 59.

Adopted.

Third Reading and Final Passage

HB 1206, relative to the reorganization of the New Hampshire transportation authority and prohibiting the removal of railroad track related structures.

HB 1207, to create and provide police powers for the security forces at certain state institutions.

Adopted.

HOUSE MESSAGE
HOUSE ACCEDES TO REQUEST FOR A NEW
COMMITTEE OF CONFERENCE ON HB 1000

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979.

ENROLLED BILLS AMENDMENT

HB 1191, making appropriations for capital improvements.

Sen. Lamontagne for the committee.

Enrolled Amendment to HB 1191

Amend section 16, paragraph III of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

37:2 and 53:4 and 1977, 493:4 by striking out said section and inserting in place thereof the following:

Amend 1975, 504:7 as inserted by section 16, paragraph III of the bill by striking out line 4 and inserting in place thereof the following:

not exceeding the sum of \$27,870,020 and for said purpose may issue bonds and

Amend section 19 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

(supp) as inserted by 1957, 257:1 as amended by striking out said paragraph and inserting in place thereof the following:

Amend section 20 of the bill by striking out said section and inserting in place thereof the following:

20 Bonding Authorization for New Hampshire Turnpike. If an act of the 1977 General Court entitled "An Act imposing an additional one cent tax on motor fuel and fuel other than motor fuel, dedicating 95 percent of the revenue to towns and cities, and relative to the construction of the Spaulding turnpike extension and making an appropriation therefor" becomes law, the bonding authorization specified in RSA 256-C:7, as amended by section 5, paragraph IX of this act, shall be \$117,200,000.

21 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

ENROLLED BILLS REPORT

HB 1191, making appropriations for capital improvements.

HB 1207, to create and provide police powers for the security forces at certain state institutions.

HB 1206, relative to the reorganization of the New Hampshire transportation authority and prohibiting the removal of railroad track related structures.

Sen. Lamontagne for the committee.

Recess to the call of the chair at 2:20 p.m. on June 20, 1977.

June 20, 1977

Senator Preston moved that the Senate now adjourn from the regular session and that when we meet again, we meet at the call of the chair under rule 31.

Adopted.

Late Session

Senator Downing moved that we adjourn until the call of the chair under rule 31.

Adopted.

Tuesday, Oct. 9

Out of Recess.

Senator Smith in the Chair.

The Senate met at 1:00 p.m.

A quorum was present.

Introduction of Ms. Kathy Rawls, interpreter for the deaf.

Senator Jacobson spoke under rule No. 44.

VETO MESSAGE

See House Record 138 pg. 3157-3159

Senator Jacobson moved that the Senate pass HB 300, permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances, notwithstanding the Governor's veto.

Senator Bossie moved the previous question.

Adopted.

Roll Call: The following senators voted yea: Lamontagne, Smith, Bradley, Jacobson, Blaisdell, Trowbridge, Hancock, Brown, Bossie, Fennelly. The following senators voted nay: Poulsen, Gardner, Bergeron, Saggiotes, Monier, Rock, McLaughlin, Healy, Sanborn, Provost, Downing, Preston, Foley.

10 yea 13 nay

Motion failed by $\frac{2}{3}$ majority. Veto sustained.

(Senator Jacobson in the Chair)

Senator Keeney was excused from the session due to an out-of-town meeting.

INTRODUCTION OF GUEST

VETO MESSAGE

See House Record 138 pg. 3166-3168

Senator McLaughlin moved that HB 419, specifying procedures for the sale and fitting of hearing aids and requiring the registration of hearing aid dealers, be referred to the committee on Public Institutions.

Senator Bossie moved the previous question.

Adopted.

Roll Call requested by Senator Blaisdell seconded by Senator Hancock. The following senators voted yea: Lamontagne, Poulsen, Bergeron, Saggiotes, Rock, Healy, Sanborn, Provost, Brown. The following senators voted nay: Smith, Gardner, Bradley, Monier, Blaisdell, Trowbridge, Hancock, Bossie, Fennelly, Downing, Preston, Foley.

12 yea 10 nay

Motion failed.

Shall HB 419 pass notwithstanding the Governor's Veto?

Roll Call: The following senators voted yea: Lamontagne, Poulsen, Smith, Gardner, Bradley, Bergeron, Jacobson, Saggiotes, Monier, Blaisdell, Trowbridge, Rock, McLaughlin, Hancock, Healy, Sanborn, Provost, Brown, Bossie, Fennelly, Downing, Preston, Foley.

23 yea 0 nay

Veto Overridden.

VETO MESSAGE

See House Record 138, pg. 3182-3183

Shall HB 1083, relative to time-of-day electric utility rates, pass notwithstanding the Governor's veto?

Senator Provost moved the previous question.

Adopted.

Roll Call: The following senators voted yea: Smith, Bradley, Bergeron, Jacobson, Blaisdell, Trowbridge, Hancock, Provost, Bossie, Fennelly, Downing, Preston, Foley. The following senators voted nay: Lamontagne, Poulsen, Gardner, Saggiotes, Monier, Rock, McLaughlin, Healy, Sanborn, Brown.

13 yea 10 nay

Veto Sustained.

Senator Bossie spoke under rule No. 44.

VETO MESSAGE

See House Record 138, pg. 3179

Shall HB 844, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver, pass notwithstanding the Governor's veto.

Roll Call: The following senators voted yea: Smith, Bradley, Jacobson, Blaisdell, Trowbridge, Hancock, Provost, Brown, Bossie, Fennelly, Downing, Preston, Foley. The following senators voted nay: Lamontagne, Poulsen, Gardner, Saggiotes, Monier, Rock, McLaughlin, Healy, Sanborn.

13 yea 9 nay

Veto Sustained.

See House Record 138, pg. 3169-3171

Shall HB 543, relative to mining and the reclamation of mined lands and making an appropriation therefor, pass notwithstanding the Governor's veto.

Senator Bossie moved the previous question.

Adopted.

Roll Call: The following senators voted yea: Smith, Bradley, Blaisdell, Trowbridge, Hancock, Healy, Bossie, Fennelly, Downing, Preston, Foley. The following senators voted nay: Lamontagne, Poulsen, Gardner, Bergeron, Saggiotes, Monier, Rock, McLaughlin, Sanborn, Provost, Brown.

11 yea 11 nay

Veto Sustained.

SUSPENSION OF RULES

Senator Trowbridge moved that the rules of the senate be so far suspended as to allow a committee report on HB 439 not previously advertised in the journal.

Adopted.

COMMITTEE REPORT

HB 439, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage; establishing the New Hampshire Oil Pollution Control fund; and making an appropriation therefor. Without Recommendation.

Senator Downing moved that the words out to pass be substituted for the words without recommendation.

Adopted.

Senator Rock offered an amendment to HB 439.

Division requested.

11yea 11 nay

Roll call requested by Senator Rock seconded by Senator Monier.

The following senators voted yea: Lamontagne, Poulsen, Gardner, Bergeron, Monier, Rock, McLaughlin, Sanborn, Provost, Brown. The following senators voted nay: Smith, Bradley, Saggiotes, Blaisdell, Trowbridge, Hancock, Healy, Fennelly, Downing, Preston, Foley.

10 yea 11 nay

Amendment fails. Ordered to third reading.

SUSPENSION OF RULES

Senator Trowbridge moved that the rules of the senate be so far suspended as to allow HB 439 to be placed on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

HB 439, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage; establishing the New Hampshire Oil Pollution Control fund; and making an appropriation therefor.

Adopted.

HOUSE MESSAGE HOUSE REQUESTS CONCURRENCE First and Second Reading and Referral

HB 1209, relative to the 1977 distribution of the rooms and meals tax. Ways and Means

HB 1210, making a supplemental appropriation for the New Hampshire state prison. Finance.

HB 1211, relative to the time for business profits tax returns. Ways and Means and Depts.

HB 1213, authorizing the Waterville Estates village district to issue notes, and legalizing town meetings in Wolfeboro and Canterbury.

HB 1214, relative to the purchase of motor vehicles and equipment by certain state agencies and making an appropriation therefor.

SUSPENSION OF RULES

Senator Trowbridge moved that the rules of the senate be so far suspended as to place HB's 1209, 1210, 1211, 1213, 1214 on second reading at the present time.

Adopted.

HB 1209, relative to the 1977 distribution of the rooms and meals tax.

Adopted.

Ordered to third reading.

(Senators Monier & Sanborn recorded in opposition)

HB 1210, making a supplemental appropriation for the New Hampshire state prison.

Adopted. Ordered to third reading.

HB 1211, relative to the time for business profits tax returns. Division vote: 17 yea 2 nay.

Adopted. Ordered to third reading.

HB 1213, authorizing the Waterville Estates village district to issue notes, and legalizing town meetings in Wolfeboro and Canterbury.

Adopted. Ordered to third reading.

HB 1214, relative to the purchase of motor vehicles and equipment by certain state agencies and making an appropriation therefor.

Adopted Ordered to third reading.

Senator Brown moved to put HB's 1209, 1210, 1211, 1213, & 1214 on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

HB 1209, relative to the 1977 distribution of the rooms and meals tax.

HB 1210, making a supplemental appropriation for the New Hampshire state prison.

HB 1211, relative to the time for business profits tax returns.

HB 1213, authorizing the Waterville Estates village district to issue notes, and legalizing town meetings in Wolfeboro and Canterbury.

HB 1214, relative to the purchase of motor vehicles and equipment by certain state agencies and making an appropriation therefor.

Adopted.

Senator Downing announced that when we adjourn today that we adjourn in the honor of Sandra Hudson's birthday, which is today.

Senator Preston spoke under rule No. 44.

Senator Monier spoke under rule No. 44.

Senator Monier moved that we adjourn after the enrolled bills process and five days lapse after the bills reach the Governor's desk and that when we adjourn we adjourn sine die.

Adopted.

Recess

Out of Recess

ENROLLED BILLS REPORT

1209 relative to the 1977 distribution of the rooms and meals tax.

1210 making a supplemental appropriation for the New Hampshire state prison.

1211 relative to the time for business profits tax returns.

1213 authorizing the Waterville Estates village district to issue notes, and legalizing town meetings in Wolfeboro and Canterbury.

1214 relative to the purchase of motor vehicles and equipment by certain state agencies and making an appropriation therefor.

Senator Saggiotes for the committee.

Senator Saggiotes moved to recess to the call of the chair.

Adopted.

Tuesday, October 18, 1977

The senate met at 2:00 under rule 32.

A quorum was present.

(Senator Jacobson in the Chair.)

The prayer was offered by the Rev. Dr. Vincent Fischer.

Enlighten us Lord, day by day that we may through thy help overcome the indifferences and self-centered thinking which seems to be the stumbling block to the compromising of the issues at hand.

May we with all humility be guided to a solution.

Open our ears that we may hear thy voice and do thy will.

Amen

Senator Blaisdell led the Pledge of Allegiance.

(Senator Monier in the Chair.)

Senator Jacobson moved adoption of the Committee of Conference Report number four on HB 1000.

Senator Bergeron moved the previous question.

Adopted.

Senator Blaisdell requested a roll call. Seconded by Senator Bergeron.

The following Senators voted yea: Lamontagne, Poulsen, Smith, Gardner, Bradley, Bergeron, Jacobson, Saggiotes, Monier, Blaisdell, Rock, McLaughlin, Keeney, Healy, Sanborn, Provost, Brown, Bossie, Fennelly, Downing, Preston.

The following Senators voted nay: Hancock and Foley.

Senator Trowbridge was excused due to illness.

21 yeas 2 nays

Adopted.

(Senator Jacobson in the Chair.)

Senator Downing moved to recess until Thursday, October 20.

Adopted.

Out of Recess.

HOUSE MESSAGE
HOUSE ADOPTS COMMITTEE OF CONFERENCE
REPORT

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979.

ENROLLED BILL AMENDMENT

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979.

Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 1000

Amend 1.05, 03, 05, 02, 02, 90 by striking out the single asterisk note and inserting in place thereof the following:

*

FOR THE PERIOD JULY 1, 1977 THROUGH JUNE 30, 1979 THE SHARE WHICH A COUNTY OR TOWN MUST REIMBURSE THE STATE FOR OLD AGE ASSISTANCE AND AID TO THE PERMANENTLY AND TOTALLY DISABLED RECIPIENTS FOR WHICH SUCH COUNTY OR TOWN IS LIABLE SHALL BE FIFTY (50) PERCENT. PROVISIONS OF THE LAW INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY SUSPENDED UNTIL JULY 1, 1979.

Amend 1.05, 03, 05, 02, 04, 90 by striking out the single asterisk note and inserting in place thereof the following:

*

FOR THE PERIOD JULY 1, 1977 THROUGH JUNE 30, 1979 THE SHARE WHICH A COUNTY OR TOWN MUST REIMBURSE THE STATE FOR OLD AGE ASSISTANCE AND AID TO THE PERMANENTLY AND TOTALLY DISABLED RECIPIENTS FOR WHICH SUCH COUNTY OR TOWN IS LIABLE SHALL BE FIFTY (50) PERCENT. PROVISIONS OF THE LAW INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY SUSPENDED UNTIL JULY 1, 1979.

Amend 1.05, 03, 05, 03, 01, 90 by striking out the

single asterisk note and inserting in place thereof the following:

*

FOR THE FISCAL YEARS ENDING JUNE 30, 1978 AND JUNE 30, 1979 THE SHARE WHICH A COUNTY OR TOWN MUST REIMBURSE THE STATE FOR OLD AGE ASSISTANCE AND PERMANENTLY AND TOTALLY DISABLED RECIPIENTS IN NURSING HOMES FOR WHICH SUCH COUNTY OR TOWN IS LIABLE SHALL BE FIFTY (50) PERCENT OF THE NONFEDERAL SHARE. PROVISIONS OF THE LAW INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY SUSPENDED UNTIL JULY 1, 1979.

Amend RSA 126-A:45 as inserted by paragraph II of section 27 of the bill by striking out line 4 and inserting in place thereof the following:

LACONIA STATE SCHOOL AND TRAINING CENTER
AND THE GLENCLIFF HOME FOR THE

Amend RSA 126-A:52, I as inserted by paragraph II of section 27 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

I. THE DIRECTOR OF MENTAL HEALTH
SHALL DETERMINE FOR ANY PATIENT OR RESIDENT OF THE INSTITUTION

Amend RSA 126-A:52, II as inserted by paragraph II of section 27 of the bill by striking out lines 9 and 10 and inserting in place thereof the following:

WITH THE DIRECTOR OF MENTAL HEALTH
OR THE COMMISSIONER OF HEALTH AND WELFARE, THAT THE PATIENT OR

Amend RSA 126-A:55 as inserted by paragraph II of section 27 of the bill by striking out line 2 and inserting in place thereof the following:

SHALL DETERMINE

Amend section 77 of the bill by striking out lines one through 3 and inserting in place thereof the following:

77. FEES REQUIRED. AMEND RSA 149-E:3 BY INSERTING AFTER PARAGRAPH I-A THE FOLLOWING NEW PARAGRAPH:

I-B. ANY PERSONS SUBMITTING PLANS AND SPECIFICATIONS FOR SUBDIVISION

Amend RSA 321-A:4 as inserted by section 102 of the bill by striking out line 7 and inserting in place thereof the following:

INSURER, AS PROVIDED IN RSA 321-A:5, III, BEFORE THEY ARE ORIGINALLY PUT

Amend the bill by striking out section 113 and inserting in place thereof the following:

113. WATER SUPPLY FUNDS. NOTWITHSTANDING THE PROVISIONS OF RSA 78-B:1 (SUPP), FOR THE PERIOD FROM JULY 1, 1977 THROUGH SEPTEMBER 11, 1977, THAT PORTION OF THE REVENUE RECEIVED FROM THE REAL ESTATE TRANSFER TAX WHICH IS RESERVED BY SAID SECTION FOR THE USE OF THE WATER SUPPLY AND POLLUTION CONTROL COMMISSION FOR ADMINISTRATION OF RSA 149-E AND WHICH IS WITHIN THE LEGISLATIVE APPROPRIATION FOR THE ADMINISTRATION OF RSA 149-E SHALL BE TRANSFERRED TO THE GENERAL FUND.

114. SALARY ADJUSTMENT OF UNCLASSIFIED EMPLOYEES: CORRECTION. AMEND RSA 94:1-a, II AS AMENDED BY 1977, 470:1 BY RENUMBERING PARAGRAPH II TO READ AS PARAGRAPH III SO AS TO AMEND RSA 94:1-a, III AS INSERTED BY SECTION 59 OF THIS ACT.

115. EFFECTIVE DATE. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

I. SECTION 61 SHALL TAKE EFFECT ON JUNE 16, 1977.

II. SECTIONS 51, 57, 58, 73, 96 AND PARAGRAPHS I, II, AND III OF SECTION 59 SHALL TAKE EFFECT ON JUNE 17, 1977.

III. SECTION 41 SHALL TAKE EFFECT ON JUNE 30, 1977.

IV. SECTION 76 SHALL TAKE EFFECT UPON PASSAGE AND SHALL APPLY ONLY TO INJURIES SUSTAINED ON OR AFTER THE EFFECTIVE DATE.

V. SECTIONS 56, 77, and 78 SHALL TAKE EFFECT JANUARY 1, 1978.

VI. SECTIONS 10, 11, 12, 13, 18, 23, 24, 27, 30, 37, 49, 50, 62, 63, 64, 65, 66, 67, 68, 79, 84, 85, 87, 89, 91, 92, 94, 102, 103, 104, 105, 109, 112 AND PARAGRAPH IV OF SECTION 59 SHALL TAKE EFFECT UPON PASSAGE.

VII. SECTIONS 98 AND 100 SHALL TAKE EFFECT JULY 1, 1977 AT 12:01 A.M.

VIII. SECTION 114 SHALL TAKE EFFECT SEPTEMBER 10, 1977 AT 12:01 A.M.

IX. SECTION 75 SHALL TAKE EFFECT SEPTEMBER 12, 1977 AT 12:01 A.M.

X. THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1, 1977.

Amendment adopted.

INTRODUCTION OF GUESTS

Sen. Monier introduced State Senator William Richardson (R) from California.

Recess.

Out of Recess.

ENROLLED BILL REPORT

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979.

Sen. Lamontagne for the committee.

Recess.

Tuesday, April 18, 1978

HOUSE MESSAGE HOUSE CONCURS IN SENATE AMENDMENT

HB 439, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage; establishing the New Hampshire Oil Pollution Control Fund; and making an appropriation therefor.

ENROLLED BILL AMENDMENT

HB 439, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage; establishing the New Hampshire Oil Pollution Control Fund; and making an appropriation therefor.

Senator Lamontagne for the committee.

Enrolled Bills Amendment to HB 439

Amend the bill by inserting after section 3 the following new section.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

ENROLLED BILL REPORT

HB 439, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage; establishing the New Hampshire Oil Pollution Control Fund; and making an appropriation therefor.

Senator Lamontagne for the committee.

Senator Downing moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn sine die after the five days lapse after the bills reach the Governor's desk.

Adopted.

LATE SESSION

Senator Brown moved that the Senate do now adjourn.

Adopted. 8:55p.m.

SENATE JOURNAL

SUBJECT INDEX

The index on the pages immediately following refers to bills and resolutions by number. Other subject matter has references to page numbers. The numerical index following this index gives the page references to all action on numbered bills and resolutions.

The abbreviations listed below are used in this subject index.

adop	adopted
am	amended, amendment
conc	concurred
conf	conference committee
H	House
LT	laid on table
nonconc	nonconcurred
RC	roll call
recon	reconsidered, reconsideration
rej	rejected
rep	report
res	resolution

A

Absentee ballots. See: Elections

Accidents

hunting. See: Fish and Game

motor vehicles. See: Motor vehicles, accidents

Accounting practitioners

advertising permitted; board restructured	HB 99 am
public accountant, license fee increased	HB 365 am
	HB 616

Adjutant general

capital improvements, appropriation of 1975 extended	HB 270 am
national guard pay for duty after Seabrook demonstration, appropriation	HB 1202
supplemental appropriation	HB 31

Administration and control department

graphic services division	SB 335
supplemental appropriation for Morton building expenses from highway fund	SB 161

Administrative procedures, rules

advance notification; public hearing upon request	HB 190 am
notice requirements; readoption of edited rules	HB 98
redefined; exemptions from notice and hearing requirements; conformity to uniform system required for filing	SB 249 am
validity	HB 54

Adoption

disclosure of information by vital statistics or town clerk prohibited except by court consent	HB 803 am
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- Adoption (cont.)**
 hard-to-place children, subsidy payments SB 56
 relinquishment of parental rights, filed with welfare division HB 1021
- Adults**
 protective services, welfare director's duties and responsibilities SB 149
 shared homes, standards for certification set by welfare director HB 434
 tutorial program for functionally illiterate SB 102
- Advertising**
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 electric and gas utilities, costs included in operating expenses for rate making purposes prohibited HB 627 am
 happy hours, permitted without prices on premises HB 161 am
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 outdoor. See: Outdoor advertising
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 director, responsibility for air search and rescue operations HB 553
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 fees increased HB 616
 of commercial landing areas, exceptions HB 233
 replaced by aviation division of transportation department SB 333
 violations of statutes and rules, penalties HB 361 am
- Age, proof of, required upon applying for marriage license HB 801**
- Agreements between governmental units**
 employment of municipal prosecutors HB 1069
 not limited to specific functions HB 1031
 watershed management HB 101
- Agriculture**
 department, licensing and regulation of animal shelters and humane societies HB 537 am
 fairs, games of chance permitted SB 350 am
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- Air pollution, conforming clean air act to federal environmental protection agency requirements HB 804**
- Aircraft**
 and air carriers, nonresident exemption from registration HB 255
 operated for hire, minimum insurance coverage increased HB 184
- Airmen, registration fees increased HB 616**
- Airports**
 abatement of taxes or payments in lieu of taxes on property in Manchester and Londonderry if money used on operation and maintenance HB 1057 am
 lounges, alcoholic beverages, license fees increased HB 616

Airports (cont.)

- operation of OHRV on runways, penalty increased **HB 720**
- public, local approval necessary for development **HB 726**

Aisner, Shelby, assistant clerk, appointment confirmed **1**

Alarm installers, license fees increased **HB 616**

Alcoholic beverages

- advertising of happy hours without prices permitted **HB 161 am**
- bowling alleys with 10 lanes, special license **HB 108**
- cider, 6% alcohol, sale regulated; 1% alcohol, sale prohibited to minors **SB 80**
- implied consent law extended to hunters **HB 415**

licenses and permits

- citizenship requirement removed **HB 746**
- entertainers under 17 prohibited **SB 48 am**
- fees increased **HB 616**
- golf, indoor tennis, racquet and curling clubs, incorporation requirement eliminated **SB 289**
- nonprofit social clubs, cover charge permitted **SB 17**
- on-sale, prices may be advertised **SB 5**
- on-sale, proximity to schools and churches, public hearing required **SB 160**
- race tracks **HB 605**
- restaurants in Landaff **HB 406**
- special, passenger boats, restriction on liquor sale while in port removed **SB 201**
- special sale at additional approved location under certain conditions **HB 593**
- minimum age for purchase or sale for consumption off premises increased to 19 **HB 469 am**

NH Fair Association members, on-sale permits **SB 73**

permits, half-price fees for up to 4 consecutive months eliminated **HB 732**

state stores

- gifts and prizes **SB 5**
- Hooksett, temporary stores replaced by permanent stores; addition to Concord store repealed **HB 591**
- hours limited before certain holidays; Sunday sales limited to Hooksett toll plaza **SB 51**
- hours limited before Christmas and New Year's day **SB 158**
- SR 12
- Sunday openings, limitations **HB 452**
- HB 1200 am**

wine, sale by

- grocery and drug stores **HB 556**
- HB 1200 am**

manufacturer, license fee increased **HB 616**

Alexander, Marion, res memorializing **SR 3**

Aliens

- citizenship requirement for psychologists repealed **HB 374**
- lawfully resident, licensing restrictions removed **HB 746**

Alimony, court guidelines; review after 3 years repealed **SB 341**

Allen, Charles L., res on death **3004**

- Allenstown**, town of, meeting and action to increase the budget by more than 10% legalized SB 349
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 - services
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 - license fees increased HB 616
 - village districts may maintain HB 198
- American and Canadian French** cultural exchange commission, appropriation SB 343
- American College**, name changed from American College of Life Underwriters HB 375
- Amherst**, town of, referendum re Souhegan regional landfill district, capital reserve fund SB 30
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- cruelty to, forfeiture of right to possess upon conviction HB 52
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- heating, solid fuel, instructions on installation and use required SB 275
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- Appropriations**
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- Aquiculture development**, leasing of coastal waters and lands; fees for filing, leasing, and licenses HB 1020 am
- Arbitration**, settlement disputes between towns HB 1067
- Arborists**
- examination, certification, and registration; fees and penalties SB 253 am
 - license fees increased HB 616
- Architects**, license fees increased HB 616
- Architectural barrier free design**
- buildings, wheelchair symbol HB 1045
 - subcommittee of governor's committee on employment of the handicapped HB 1124 am
 - code established and enforced HB 1078
- Archives**. See: Records management and archives
- Armed forces**, hunting and fishing, special licenses, reduced rates HB 78 am
- Army Corps of Engineers**, pre-emption of state functions re dredge and fill permits, petitioning congressional delegation to prevent HCR 2
- Athletic trainers**, board established, licensing and registration SB 262
- Attachments**
- exemptions, automobile to value of \$200 SB 57
 - mobile homes, value of homestead right paid to debtor upon sale SB 64 am
 - prejudgment, disallowed on defendant satisfying court assets are sufficient to cover judgment; writs served by plaintiff or his attorney SB 10 am
- HB 676 am

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- public employees, wages and retirement benefits same as private employees and retirement system **SB 167 am**
- real estate, dissolution recorded by plaintiff **HB 97**
- recording fees increased **HB 1 am**

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- approval of agreements between governmental units **HB 1031**
- defense of state officials and employees against claims arising in course of employment **SB 121**
- duties re corporations deleted **SB 229**
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- removed from ballot law commission **HB 1188**
- unfair collection practices, actions **HB 777**

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- medical injury actions, fees restricted **HB 314 am**
- prepaid legal insurance **SB 208**
- towns may appoint as municipal prosecutors **HB 1069**

Auburn, deer hunting restrictions **HB 192****Auctioneers, license fees increased **HB 616******Auctions, personal property, licensing and bond requirements repealed .. **HB 204******Audiologists, defined; member of advisory council on sale and fitting of hearing aids **HB 419******Audits, towns, summary of findings and recommendations printed in annual town report **HB 1153******Autopsy, fire marshal may order **HB 8******Aviation**

- commercial landing areas, registration required, exceptions **HB 233**
- division of transportation, department to replace aeronautics commission **SB 333**

B**Bail, professional bondsman, registration by insurance commissioner: application fee \$400 **SB 99******Ballard Pond, Derry, dam acquisition by water resources board **HB 573******Ballot law commission**

- jurisdiction increased **HB 1187**
- membership, attorney general replaced by supreme court appointed attorney **HB 1188**
- replaced by state elections council **SB 98**

Ballots. See: Elections**Ballrooms, alcoholic beverages, license fee increased **HB 616******Banks. See also: Cooperative banks; Credit unions; Savings banks; Trust companies**

- advisory board, legislative members, 2 year term **SB 370 am**
- assignment of savings deposits or certificate of deposit valid only with written order of transfer **HB 696 am**

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- disabled, totally and permanently
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- meetings, reconsideration of vote, limitations and procedures HB 213 am
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- warrants, appropriations, articles submitted by petition, vote requirement HB 1063 am

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- chapter name changed to vital records and health statistics; rule making authority to include health statistics HB 713
- disclosure of information limited HB 803
- divorces reported monthly by superior court clerks HB 752
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- work programs, settlement lost after one year HB 323

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- dredge and fill investigations by conservation commissions, notice time to water resources board extended HB 311
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- Wheelchair symbol**, use on buildings accessible to handicapped and elderly HB 1045

- Wheelock, Major W.**, governor and council urged to reappoint as superintendent of NH hospital HCR 4

- Whitaker, Robert H.**, highway named, proposed interstate 393 and U.S. route 4 (Concord to Portsmouth) HB 695

- White, Wilmont S.**, elected clerk iv-v

- White Oak Pond (Holderness)**, motorboats, horsepower restricted HB 242 am

- White Pines College**, degree granting powers SB 123

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- general term for game animals, game birds, fur-bearers, and fish SB 310
- illegal possession, disposal prescribed by fish and game director HB 104

- Wills**, depositing with register of probate, repealed HB 847

- Wind powered energy system**, property tax exemption, local option HB 922

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- state bonds for municipal share of construction costs HB 216
- state obligation limited to contracts approved by water supply and pollution control commission SB 93

- Winnisquam Lake dam**, capital improvements SB 86

- Winter highway maintenance vehicles** exempted from highway weight, height, and width limitations SB 205

- Witnesses**, privileged communications, religious leader, penitent HB 817

- Wolfeboro**, town of, meeting legalized HB 1213

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- sale of, cord redefined; by-products sold in measure agreeable to parties SB 153 am

- Woodsville Guarantee Savings Bank**, minimum number of trustees reduced HB 481

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- domestics and casual employees excluded SB 88
- liens on third party damages, settlement for less than full compensation, reduction permitted HB 886
- search and rescue volunteers, eligibility HB 250 am

- self-insurance of public employers HB 553
- termination period and benefits increased; domestic and household employee defined HB 1144
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- Writs**, service by registered or certified mail permitted SB 261

- Wrongful imprisonment**, compensation to \$20,000, board of claims SB 4 am

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- Youth services office** and advisory commission on children and youth HB 513

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- special exceptions, variances; written findings of fact HB 1073 am
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- critical resource areas; local option HB 929
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SENATE JOURNAL NUMERICAL INDEX

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The abbreviations listed below are used in this Numerical Index:

adop	adopted
am	amended, amendment
com	committee
conc	concurred
conf	conference committee
Died	not reported out of committee
enr	enrolled
Finance	Referred to Finance committee
H	House
intro	introduced, introduction
IP	indefinitely postponed
JC	referred to judicial council
jt	joint Senate and House
K	killed
LT	laid on table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsidered, reconsideration
rej	rejected
rep	report
req	request, requested
ret'd	returned
rscnd	rescinded
S Ct	Supreme Court
SO	special order
Study	referred to interim study committee
wthd	withdrawn

SENATE BILLS

- SB 1** Re the duties of city and town clerks for voter registration. (Sanborn)
2, psd 14-15, conc H am 1479-1480, enr 1790 (Chapter 157)
- SB 2** Permitting optometrists to advertise prices for glasses and contact lenses. (Rock)
2, psd 122-129, 146, conc H am 1480, enr 1641 (Chapter 131)
- SB 3** Removing the authority of certain public utilities to grant free or reduced rate service in certain cases. (Rock)
2, K 311, recon & rcmt 343-344, K 606-607
- SB 4** Establishing a board of claims for the state and making an appropriation therefor. (Trowbridge)
2, SO 511-515, 568-570, am (RC) 632-642, psd 648, conc H am 2587, enr am 3154-3155, enr 3239, veto overridden (RC) 3425-3428 (Chapter 595)
- SB 5** Permitting licensed establishments and holders of on-sale permits to advertise their prices by the drink or beverage and permitting state liquor stores to offer gifts and prizes. (Rock)
New title: Permitting licensed establishments and holders of on sale permits to advertise their prices by the drink or beverage.
2, am 129-135, psd 146, H nonconc 574
- SB 6** Providing for a power of attorney which survives disability or incompetence of the principal. (Bradley)
2, psd 35-38, 49, H conc 1478, enr 1590, recalled 1950-1953, nonconc H am, conf 2101, 2397, rep adop 2898, 2910-2911, enr 3239 (Chapter 453)
- SB 7** Establishing retirement and permanent disability benefits for district court justices. (Rock)
2, am & Finance 197-207, psd (RC) 805-814, 820, nonconc H am, conf 2132, 2397, rep adop 2898, 2911-2912, enr 3157 (Chapter 454)
- SB 8** Providing for the cy pres of cemetery trust funds. (Trowbridge)
2, am 135-136, psd 147, H conc 1478, enr 1590 (Chapter 128)
- SB 9** Legalizing a special meeting of the town of Peterborough. (Trowbridge)
2, psd 9-10, 11, H conc 33, enr 34 (Chapter 1)
- SB 10** Re the filing of a notice of a petition to attach real estate with notice with the register of deeds of the county wherein the real estate is situated. (Bossie)
New title: Re prejudgement attachments.
2, com changed 14, am 1311-1313, psd 1352, H nonconc 2159
- SB 11** Re a short form mortgage or deed of trust. (Bossie)
3, psd 34-35, 49, H nonconc 483

- SB 12** Re the procedure used to handle complaints filed with the commission for human rights. (Foley)
3, K 715
- SB 13** Making supplemental appropriations to the pharmacy commission for the fiscal year ending June 30, 1977. (Brown)
3, K 195
- SB 14** Requiring public motion picture theaters to give notice before paid commercials are shown. (Monier)
3, K 168-169
- SB 15** Re a mandatory penalty for illegal sales of narcotics by drug pusher. (Sanborn)
3, JC 1310-1311
- SB 16** Re the extent of medical treatment which a licensed podiatrist may perform. (Smith)
New title: Re the practice of podiatry.
8-9, am 799-800, psd 820, conc H am 2131, enr am 2849, enr 2964 (Chapter 381)
- SB 17** Permitting nonprofit social clubs holding a liquor license to charge members and guests to cover entertainment costs. (Lamontagne)
9, psd 1067, 1080, H conc 2086-2087, enr 2828 (Chapter 303)
- SB 18** Re nonprofit organizations and the meals and rooms tax. (Lamontagne)
9, K 38
- SB 19** Permitting the gross weight on the interstate highway system as authorized by the Federal Aid Highway Amendments of 1974. (Lamontagne)
9, IP (RC) 1102-1108
- SB 20** Providing that only persons less than 16 years of age be required to wear protective headgear while operating or riding on a motorcycle. (Sanborn & Bossie)
9, psd (RC) 69-72, 73, H nonconc 951
- SB 21** Requiring the impoundment and forfeiture of a "propelled vehicle" used in the commission of certain crimes. (Sanborn)
New title: Re the forfeiture of propelled vehicles used in the commission of certain crimes.
9, rcmt 58-65, am (RC) 159-168, psd 183, H nonconc 574
- SB 22** Re food and nutrition programs. (Blaisdell)
12, SO 235-239, rcmt 342, am & IP (2 RC's) 1141-1144
- SB 23** Increasing the penalty for reckless operation of a motor vehicle. (Blaisdell)
12, psd 66-67, 73, H nonconc 650
- SB 24** Re the statutory definition of "farm, agriculture, farming." (Poulsen & Rep. Taylor of Graf. 9)

- 13, psd 158-159, 183, H conc 790, enr 953 (Chapter 95)
- SB 25** Re sweepstakes commission funds. (Rock)
30, psd 72, 73, conc H am 1479, enr 1641 (Chapter 129)
- SB 26** Authorizing state employee's participation in the present incentive award program for selling sweepstakes tickets. (Rock)
30, psd 208-209, 232, nonconc H am, conf 2590-2591, 2861, rep adop 3081, 3084, enr 3239 (Chapter 455)
- SB 27** Revising the occupational regulations relating to barbering. (Rock)
30, psd 241, 250, H conc 1478, enr am 1607-1608, enr 1790 (Chapter 168)
- SB 28** Establishing the Lamson Farm commission in Mont Vernon. (Rock)
30, psd 109, 121, H conc 222, enr 232 (Chapter 5)
- SB 29** Increasing the tax exemption on income from \$600 to \$750. (Downing)
30 (Died)
- SB 30** Enabling the Souhegan Regional Landfill District to create a capital reserve fund. (Rock)
New title: Enabling regional refuse disposal districts to create capital reserve funds.
30, am 442-444, psd 464, H conc 2086, enr 2828 (Chapter 302)
- SB 31** Re the form and use of walking disability identification on motor vehicles. (Downing)
30, psd 614, 617, conc H am 2131, enr 2828 (Chapter 301)
- SB 32** Establishing a board of hearing aid specialists to license hearing aid specialists and making an appropriation therefor. (Jacobson)
30, K 901
- SB 33** Re the duties and responsibilities of the property appraisal division of the department of revenue administration. (Jacobson)
30, psd 362-363, 405, H conc 2086, enr 2828-2829 (Chapter 300)
- SB 34** Re the object of detailed financial accounts in annual town reports. (Jacobson)
30, K 67
- SB 35** Re the incompatibility of certain town offices. (Jacobson)
30-31, LT 67-69, am & psd 103-104, enr 310, H conc 362 (Chapter 17)
- SB 36** Re the town budget of non-municipal budget act towns. (Jacobson)
31, K 119
- SB 37** Authorizing the acquisition of land for fish and wildlife areas and making an appropriation therefor. (Jacobson)
31, SO 733, IP (2 RC's) 775-784

- SB 38** Revising various provisions of the interest and dividends tax. (Jacobson)
31 (Died)
- SB 39** Requiring the mailing of resident tax bills within 30 days of the receipt of the tax warrant by the tax collector. (Jacobson)
New title: Requiring the mailing of resident tax bills within 30 days of the receipt of the tax warrant by the tax collector and changing the requirements for motor vehicle registration.
31, am 376-379, psd 405, nonconc H am, conf 1481, 1606 (Died)
- SB 40** Repealing certain provisions currently included on tangible property inventory blanks. (Jacobson)
31, am 1134, psd 1181, nonconc H am, conf 2130-2131, 2397, rep adop 2898, 2912, enr am 3167, enr 3251 (Chapter 456)
- SB 41** Re the deposit of state funds in approved banks. (Trowbridge)
31, psd 157-158, 183, H conc 650, enr 751 (Chapter 90)
- SB 42** Establishing a judicial selection commission to recommend at least 3 candidates for all judicial appointments. (Jacobson)
31, S Ct opin req 74-76 (117 NH 398)
- SB 43** Re security deposits on real property. (Downing)
33, Study 530
- SB 44** Re the financial security of horse and dog race licensees. (Downing)
33, am 100-102, psd 104, H conc, enr 407 (Chapter 28)
- SB 45** Requiring the state to provide for access roads in certain cases. (Sanborn)
33 (Died)
- SB 46** Re a planning board's procedure on final plats. (Monier)
33 (Died)
- SB 47** Providing for payment of a claim to Clayton F. Osborn and making an appropriation therefor. (Lamontagne)
33, SO (RC) 259-274, K (RC) 354-358, remarks by Sen. Lamontagne 390-395
- SB 48** Forbidding entertainers less than 18 years of age from working in places where liquor or beverage is sold. (Rock)
New title: Forbidding entertainers less than 17 years of age from working in places where liquor or beverage is sold.
33, psd 136-137, 147, nonconc H am, conf 712-713, 1607, rep adop 3018, 3021, enr am 3220-3221, enr 3335 (Chapter 457)
- SB 49** Exempting certain vehicles from the motor vehicle title law. (Lamontagne)
33, psd 72, 73, nonconc H am, conf 255-256, 1606-1607, rep adop 3019, 3035-3036, enr 3157 (Chapter 458)

- SB 50** Re restructuring the public utilities commission and making an appropriation therefor. (Rock et al)
1007, Finance 1207-1209, psd 1482-1487, 1513, nonconc H am, conf 2589, 2860-2861, remarks by Sen. Rock 3081-3083 (Died)
- SB 51** Re the hours of operation of state liquor stores on days preceding certain holidays and on Sundays. (Bergeron)
33 (Died)
- SB 52** Re a transfer of classification in the New Hampshire retirement system by a member with more than 25 years service. (Lamontagne)
33, SO 814-816, K 913
- SB 53** Re vanpooling. (Monier)
33, rcmt 305, am 450-451, psd 465, conc H am 2587, enr am 2863-2864, enr 3092 (Chapter 382)
- SB 54** Re utility collection practices and termination of utility service for nonpayment of charges. (Bossie)
50, psd 1162, 1181, nonconc H am, conf 1945, 2831-2832 (Died)
- SB 55** Providing injured employees with an attorney upon the commencement of workmen's compensation proceedings. (Bossie & Fennelly)
50, Study 207-208
- SB 56** Establishing an adoptive care act. (Blaisdell et al)
50-51, am 1261-1264, psd 1352, H conc 2086, enr 2853, nonconc H am, conf 2899, recon, conc H am 2999, enr am 3334-3335, enr 3377 (Chapter 508)
- SB 57** Making an automobile to the value of \$2000 exempt from attachment and execution. (Hancock)
51, IP 332-342, recon LT 358-359, recon rej (RC) 435-436
- SB 58** Re the rule-making powers of the weights and measures division of the department of agriculture. (Bradley)
51, psd 156-157, 183, H conc 790, enr am 1010, enr 1590 (Chapter 130)
- SB 59** Re cease and desist orders issued by the water supply and pollution control commission. (Keeney)
51, am 994-995, psd 1006, H conc 2158, enr 2966 (Chapter 383)
- SB 60** Extending the deer season for muzzle-loaders under certain conditions. (Keeney)
51, psd 275, 306, H nonconc 748
- SB 61** Re the treatment of juveniles as adults in criminal cases. (Bossie)
51, am 518-520, psd 523, conc H am 1479, enr 1790 (Chapter 169)
- SB 62** Re maintenance of bridges on class II highways. (Sanborn & Rep. King of

Rock, I)

51 (Died)

SB 63 Re real estate tax lien for the elderly or disabled. (Keeney)

51, psd 209, 232, H conc 573, enr 596 (Chapter 54)

SB 64 Re homestead rights for mobile home owners. (Hancock)

New title: Re the attachment, execution and levying upon execution of the interest of an owner of a mobile home by creditors other than those possessing an interest therein under a mortgage, pledge, or security agreement or lien created by statute or rule of law.

51, psd (RC) 209-216, 232, conc H am 2132, enr 2829 (Chapter 299)

SB 65 Re requiring certain information to be included in correspondence from state agencies. (Bossie)

51, psd 140-141, 147, H conc 1478, enr 1640 (Chapter 103)

SB 66 Re collateral for small loans. (Hancock)

51, rcmt 158, K 531

SB 67 Increasing the daily salary of a special justice from \$50 to \$85. (Bossie)

New title: Increasing the daily salary of a special justice of the district and municipal court.

51, am 137-138, psd 147, H nonconc 1478

SB 68 Re notice filing in registries of deeds to show power of trustee to convey real estate. (Monier & Bossie)

51, psd 207, 232, H conc 650, enr 751 (Chapter 84)

SB 69 Re members of a budget committee established under the municipal budget law. (Jacobson et al)

51, K 138-139

SB 70 Re the appointment and duties of the New Hampshire retirement system trustees. (Brown)

53, Finance 342, am 556-559, psd 571, conc H am 2589, enr am 3036-3037, enr 3239 (Chapter 488)

SB 71 Providing for state assistance to persons suffering from hemophilia and making an appropriation therefor. (Preston & McLaughlin)

New title: Providing for state assistance to persons suffering from hemophilia.

53, psd 439-440, 464, conc H am 2585, enr am 2851, 3037, enr 3239, veto overridden (RC) 3429-3431 (Chapter 596)

SB 72 Instructing the commissioner of resources and economic development to erect a commemorative marker on the Hampton harbor pier commemorating the Irving F. Jones family for contributions to commercial fishing. (Preston et al)

53, psd 276, 306, conc H am 1480-1481, enr 1791 (Chapter 156)

SB 73 Permitting members of the New Hampshire Fair Association to hold on-sale

- permits. (Blaisdell & Sanborn)
56, psd 216-217, 232, conc H am 1480, enr 1641 (Chapter 104)
- SB 74** Re the regulation of polygraph examiners. (Bossie)
56, psd 436-438, 464, H nonconc 1478
- SB 75** Imposing certain limitations on oil suppliers doing business in the state. (Bossie et al)
56, S Ct opin req (RC) 1245-1252, (SR 5) 1443-1444, suspension of rules for com rep rej (RC) 2959-2961, IP (RC) 3025-3035 (117 NH 533)
- SB 76** Re voter registration. (Sanborn et al)
56, LT 922-927, com changed 1439-1440
- SB 77** Re straight ticket voting in all biennial elections, all other elections of national or state officers, and primaries. (Preston et al)
56, K (RC) 311-317
- SB 78** Re the packaging of fresh meats. (Downing)
56, K 607
- SB 79** Increasing the permissible amount of assets under the elderly exemption and expanded elderly exemption law. (Downing)
New title: Increasing the permissible amount of assets under the expanded elderly exemption law.
56, am 217-218, psd 233, H conc 1852, enr 2081 (Chapter 226)
- SB 80** Re the sale of cider. (Rock)
57, psd 520, 523, H nonconc 1479
- SB 81** Re the penalty of wilful trespass involving forest product. (Poulsen & Rep. Johnson of Ches. 3)
57, psd 991, 1006, nonconc H am, conf 2288, 2836-2837, rep adop 3018, rep LT 3021, rep adop 3060, enr 3239 (Chapter 489)
- SB 82** Re the director of forest and lands and the director of parks. (Poulsen & Rep. Johnson of Ches. 3)
57, am 363-364, psd 405, H conc 2402, enr 2966 (Chapter 384)
- SB 83** Re wild turkeys. (Blaisdell)
73, psd 276, 306, conc H am 2587, enr 3250 (Chapter 459)
- SB 84** Authorizing limited police powers to title investigators, fire investigators, and licensing officers of the department of safety. (Lamontagne)
74, SO 562-564, am 594-595, psd 597, H Study 2157
- SB 85** Re the authority to levy tolls on the eastern New Hampshire turnpike, the central New Hampshire turnpike and the New Hampshire turnpike system. (Rock et al)

99, psd 847-858, 884, nonconc H am, conf 2590, 2861, new conf & remarks 3171-3176, 3249 (Died)

SB 86 Making an appropriation for capital improvements at Winnisquam Lake dam. (Gardner)
intro & psd 106-108, 121, H conc 185, enr 186 (Chapter 6)

SB 87 Prohibiting adult persons of the same sex from consorting in a lewd or licentious manner in a public place. (Monier et al)
122, psd (RC) 1313-1319, 1352 (H LT)

SB 88 Re workmen's compensation coverage for domestic and casual employees. (Monier et al)
150, psd 576-579, 596, H nonconc 2399

SB 89 Re the presidential preference primary and the choosing of delegates for the national convention. (Sanborn et al)
150, LT 317-332, rcmt 349-354

SB 90 Re licensing electricians. (Sanborn)
150 (Died)

SB 91 Re confidentiality of legislative budget assistant working papers and access to records and documents to perform post-audit functions. (Monier & Sanborn)
150, com changed 346, am (RC) 933-940, psd 949, H nonconc 2084

SB 92 Re the payment of a resident tax in order to obtain an operator's license or motor vehicle registration. (Jacobson)
152 (Died)

SB 93 Clarifying the legislative intent of RSA 149-G:2 concerning the extent to which the state shall assume contractual obligations for the design of municipal sewage disposal systems. (Hancock)
152, psd 551, 571, H conc 2401, enr 2966 (Chapter 385)

SB 94 Re chiropractic qualification for examinations and licenses. (Saggiotes)
152 (Died)

SB 95 Re the taking of yellow perch and white perch for commercial sale. (Blaisdell)
152, psd 423-424, 430, H nonconc 748

SB 96 Re emergency expenditures under the municipal budget law. (Sanborn)
New title: Establishing an optional procedure to make emergency expenditures under the municipal budget law.
185, am 504-507, psd 523, H nonconc 2084

SB 97 Increasing the appropriation for regional vocational education centers. (Preston & Rep. Scammon of Rock. 15)
185, K 804-805

- SB 98** Establishing a state elections council, establishing the position of chief elections officer and making an appropriation therefor. (Sanborn et al)
185 (Died)
- SB 99** Re supervision of bail bondsmen by the insurance commissioner. (Bossie & Rep. O'Connor of Str. 18)
185, am 581-585, psd 597, conc H am 2586, enr 2966 (Chapter 386)
- SB 100** Re removing, defacing, altering, changing, destroying, obliterating or mutilating identifying numbers of machines or electrical or mechanical devices. (Smith)
233, K 819
- SB 101** Re allowable uses of written reports filed after an accident. (Lamontagne)
New title: Re allowable uses of written reports filed after an accident and re restoration of licenses to certain drivers.
254, am 977-978, psd 1005, nonconc H am, conf 2130, 2397, rep adop 3019, 3049, enr 3251 (Chapter 460)
- SB 102** Re an adult tutorial program and making an appropriation therefor. (Saggiotes & Smith)
254, psd 545, 571, H conc 2401, enr 2853, veto LT 3095-3096
- SB 103** An act specifying certain items for the state prison in the 1975 capital budget. (Sanborn & Brown)
306, am 436, psd 464, H conc 2402, enr 2853 (Chapter 259)
- SB 104** Re the stocking of fish by the fish and game department. (Healy)
308, psd 734-735, 746, H conc 2086, enr 2829 (Chapter 298)
- SB 105** Re registration fees for foreign non-profit corporations. (Bradley)
New title: Re registration fees for certain non-profit corporations doing business with the state.
308, am 1094-1095, psd 1180, conc H am 2393, enr am 3223-3224, enr 3335 (Chapter 461)
- SB 106** Re sweepstakes commission advertising. (Bradley)
New title: Re the policy of the state concerning advertising by state agencies.
308, am (RC) 1067-1075, psd 1080, H nonconc 1853
- SB 107** Re non-confidentiality of proceedings of chiropractic review committee. (Saggiotes)
344, K 901-902
- SB 108** Requiring the state board of education to establish state-wide educational standards which must be met before a student may be passed to the next higher grade. (Sanborn)
344, am & IP (2 RC's) 486-497
- SB 109** Re apportionment of school moneys. (Sanborn)

344, K 497-498

SB 110 Re possession of account books and making of payments by a school district treasurer. (Sanborn)

344, psd (RC) 498-503, 523, H nonconc 2084

SB 111 To conform the state statutes and regulations to the requirements of the federal insecticide, fungicide and rodenticide act. (Bradley)

344, psd 618-619, 647, conc H am 1902, enr 2081 (Chapter 212)

SB 112 Authorizing payment to the city of Concord for use of solid waste disposal facilities by the state. (Hancock et al)

344-345, psd 846-847, 884, H nonconc 2399

SB 113 Providing for a master plan for state land use in the city of Concord. (Hancock et al)

345, Finance 552-554, am 890-892, psd 915, H conc 2402, enr 2853, veto LT 3096, veto sustained (RC) 3225-3228

SB 114 Authorizing the inclusion of dog races in sweepstakes and drawings conducted by the sweepstakes commission. (Rock et al)

New title: Authorizing the inclusion of dog races in sweepstakes and drawings conducted by the sweepstakes commission and making an appropriation therefor.

362, am 615-616, psd 617, nonconc H am, conf 2592, 2861, rep adop 3018-3019, 3044, enr 3239 (Chapter 462)

SB 115 Requiring the fish and game department to stock South Pond in the town of Stark. (Lamontagne)

362 (Died)

SB 116 Requiring proof of financial responsibility for the operators of mopeds. (Lamontagne)

362, rcmt 585-591, LT 1098-1099, 1439

SB 117 Re the statute of limitations on an action for paternity. (Monier)

362, psd 818-819, 820, H conc 2158, enr 2966 (Chapter 387)

SB 118 Re reporting all resources received by a welfare recipient. (McLaughlin)

362, psd 524, 542, conc H am 2286, enr 3157 (Chapter 490)

SB 119 Re allowing compensation for supervisors of conservation districts. (Lamontagne)

431, K 626-627

SB 120 Re including investigators in the office of attorney general in the definition of law enforcement employees entitled to additional salary increases. (Bossie & Rep. Murray of Bel. 9)

431, com changed 482-483, Finance 731-732, psd 1167-1168, 1181, H conc 2402, enr 2966 (Chapter 388)

- SB 121** Providing for the defense and indemnification of state officers and employees against certain claims. (Bossie & Rep. Chambers of Graf. 13)
431, am 1458-1461, psd 1475, H Study 2085
- SB 122** Prohibiting the manufacture, transportation, possession, or use of virulent hog cholera virus and redefining the word garbage in RSA 144 re the feeding of garbage to survive. (Blaisdell)
New title: Prohibiting the manufacture, transportation, possession, or use of virulent hog cholera virus and redefining the word garbage in RSA 144 re the feeding of garbage to swine.
431, am 908-910, psd 915, conc H am 1855, enr 2081 (Chapter 211)
- SB 123** Re the power of certain colleges to grant degrees. (Smith)
431, psd 651, 709, H conc 2086, enr am 2832, enr 2966 (Chapter 449)
- SB 124** Re suspension or revocation of real estate brokers' or salesmen's licenses. (Preston)
431, LT 715-720
- SB 125** Utilizing sweepstakes commission funds to provide aid to public libraries. (Healy)
431, K 816
- SB 126** Re police officer's attendance at public functions. (Provost)
431, psd 656-662, 709, H nonconc 1853
- SB 127** Re vacancies in the office of mayor of Nashua. (McLaughlin et al)
431-432, psd 432-434, conc H am 2285-2286, enr 2845 (Chapter 297)
- SB 128** To include licensed pastoral counselors in the category of services authorized under minimum mental illness coverage under major medical and non-major medical accident and health insurance. (Poulsen et al)
466, LT 902-907, psd 1421-1426, 1441, H conc 2402, enr 2966, veto sustained (RC) 3387-3388
- SB 129** Excluding certain persons from the definition of "employment" in the unemployment compensation law. (Smith & Brown)
466, Study 1013-1015
- SB 130** Re transfers of classification in the retirement system. (Smith)
466, am 892-893, psd 915 (H LT)
- SB 131** Re the sales of furnace and stove oil. (Bradley)
New title: Re the sales of distillate heating oil.
466, am 792-793, psd 820, conc H am 2286-2287, enr 3157 (Chapter 463)
- SB 132** Re the compensation and benefits of certain permanent policemen in case of death or disability. (Jacobson)
466, am 889-890, psd 915, H conc 2158, enr 2964 (Chapter 389)

- SB 133** Providing that the state shall issue bonds for the state's share of 20 per cent of the costs now paid by a municipality and reimbursed by state for water pollution projects and making an appropriation therefor. (Lamontagne & Bossie)
466, K 840-846
- SB 134** Re reforestation of land. (Poulsen & Rep. Johnson of Ches. 3)
466-467, psd 753, 785, H conc 2402, enr 2966 (Chapter 390)
- SB 135** Re public forest lands. (Poulsen & Rep. Johnson of Ches. 3)
467, psd 753-754, 785, H conc 2087, enr 2829 (Chapter 327)
- SB 136** Re the sale of land subject to the current use tax. (Poulsen & Rep. Johnson of Ches. 3)
467, rcmt 592-593, am 762-763, psd 785, H conc 2086, enr 2829 (Chapter 326)
- SB 137** Establishing casino gambling in New Hampshire and providing an appropriation therefor. (Healy)
New title: Establishing casino and slot machine gambling in New Hampshire and providing an appropriation therefor.
467, am & Study (RC) 1384-1400, 3349
- SB 138** Re an alternative form of county government. (Bradley)
468, LT 830-837, psd 1426-1427, 1441, H Study 2157
- SB 139** Making an appropriation for office space renovation at the John O. Morton building. (Sanborn)
468-469, psd 541-542, 543, conc H am 2588, enr 2852 (Chapter 258)
- SB 140** Re the liability of landowners. (Smith et al)
469, psd 900, 915, H conc 1852, enr 2081 (Chapter 208)
- SB 141** Prohibiting the use of minors in pornographic acts, pictures, displays and the sale or custody of any such material in the state. (Preston et al)
469, psd 900-901, 915, H conc 1852, enr 2023 (Chapter 199)
- SB 142** Amending the definition of moped in the motor vehicle laws. (Smith)
469, psd 736, 746, conc H am 2131-2132, enr 2829 (Chapter 272)
- SB 143** Re the qualifications of municipal planning board and conservation commission members and authorizing municipalities to reimburse members for certain educational expenses. (Downing & Poulsen)
469, K 662-663
- SB 144** Amending the definition of a "dam" in the RSA chapter on dams and flowage. (Monier)
469, psd 654-655, 709, H conc 2401, enr 2966 (Chapter 391)
- SB 145** Re motor vehicle repair facilities. (Foley et al)
469, com changed 482-483, LT 803, am 1044-1050, psd 1080, H conc 1853, enr am 2290, enr 2845 (Chapter 295)

- SB 146** Re the posting of a bond or certification of assets by every manufacturer of mobile homes to insure warranties. (Blaisdell et al)
469, com changed 482-483, am 803-804, psd 820, H Study 1854
- SB 147** Re posting a bond or certification of assets by manufacturers, importers or distributors of motor vehicles to insure warranties. (Blaisdell et al)
469, com changed 482-483, psd 752-753, 785, H conc 2158, enr 2964 (Chapter 392)
- SB 148** Continuing the public defender system in Merrimack and Hillsborough counties for 2 years and extending the same program to Rockingham county. (Downing & Smith)
469, Finance 959-962, psd 1481-1482, 1513, H conc 2402, enr 2845 (Chapter 296)
- SB 149** Protecting the welfare of certain adults by providing protective services. (Lamontagne)
469-470, psd 793, 820, conc H am 2286, enr am 3168, enr 3251 (Chapter 464)
- SB 150** An act providing an appeal procedure for persons denied a license to operate a motor vehicle for failure to pass a visual acuity examination. (Blaisdell)
483, am 974-975, psd 1005, H Study 2157
- SB 151** Establishing the New Hampshire crime commission and making an appropriation therefor. (Sanborn)
New title: Establishing the New Hampshire crime commission.
539, am 838-840, psd 884, H Study 2085
- SB 152** Re products liability actions. (Rock et al)
539-540, com changed (RC) 565-567, Study (RC) 1015-1029
- SB 153** Re units of measure in the sale of wood. (Bradley)
540, am 1061-1062, psd 1080, H conc 2158, enr 2964 (Chapter 380)
- SB 154** Adopting the uniform controlled substances act. (Jacobson)
540, am 972-973, recon & Study 996-999
- SB 155** Requiring all mobile telephone service companies and radio paging service companies doing business in the state to be regulated by the public utilities commission. (Bossie & Rep. Boucher of Rock. 3)
540, SO 752, 800-801, am 802, psd 820, H nonconc 1854
- SB 156** Re the director of divisions in the department of resources and economic development. (Jacobson)
540, psd 837-838, 884, H nonconc 2159
- SB 157** Re regulation of carnival-amusement equipment by the division of safety services. (Smith et al)
540, am & Finance 1237-1240, psd 1489-1490, 1513, conc H am 2586, enr 3092 (Chapter 393)

- SB 158** Re closing of state liquor stores on Christmas eve and New Year's eve. (Keeney)
540, LT 940, psd (RC) 1031-1033, 1080, H conc 1853, enr 2023, veto LT 2826-2827, veto sustained (RC) 3228-3230
- SB 159** To implement a special state referendum with respect to state revenue sources and making an appropriation therefor. (Monier et al)
New title: To implement a special state referendum with respect to state revenue sources and government costs and making an appropriation therefor.
544, am & Finance (2 RC's) 663-707, am (RC) 1355-1377, psd 1440, H nonconc 1854
- SB 160** Prohibiting an on-sale permit and liquor license under certain conditions. (Smith)
544, Study 1075
- SB 161** Making a supplemental appropriation to the department of administration and control. (Saggiotes)
544, psd 754-755, 785, H conc 2402, enr 2829 (Chapter 239)
- SB 162** Re the number of sets of special number plates that may be issued to a member of the general court. (Rock & McLaughlin)
544, am 911-912, psd 916, H nonconc 2159
- SB 163** Re the fee for the renewal of land surveyors' certificates of registration. (Downing)
544, psd 947, 949, recon & LT 950, 1003, am 1036-1037, psd 1080, H conc 2086, enr 2853 (Chapter 268)
- SB 164** To amend the charter of St. Mary's-in-the-Mountains. (Poulsen)
544, psd 826, 883, H conc 2086, enr 2845 (Chapter 271)
- SB 165** Re the use of force in defense of property. (Monier et al)
572-573, K 1050-1057
- SB 166** Permitting changes of party affiliation by mail and changing the time for holding sessions of the supervisors of the checklist. (Foley & Hancock)
573, LT 927-933, am & LT (RC) 1427-1436
- SB 167** Re the enforcement of court ordered child support payments. (Monier et al)
New title: Re the assignment of wages of employees of the state and political subdivisions thereof, and re the assignment, attachment and execution of benefits under the New Hampshire and policemen's retirement systems.
573, am 816-818, psd 820, nonconc H am, conf 2288, 2585, 2836, rep adop 3019, 3050-3060, enr am 3168-3169, enr 3251 (Chapter 465)
- SB 168** Adopting a safe drinking water act for New Hampshire. (Hancock)
573, am 991-992, psd 1006, H conc 2158, enr am 3003-3004, enr 3377 (Chapter 509)
- SB 169** Re parking permits for handicapped persons. (Lamontagne)

573, psd 858-861, 884, H nonconc 2399

SB 170 Re certain free licenses for all totally and permanently disabled veterans, if disabled while on active duty from a service connected disability. (Foley & Downing)

573, psd 861-862, 884, H nonconc 1854

SB 171 Re dredge and fill control. (Smith et al)

First new title: Re dredge and fill and the location and certain specifications of wharves and piers.

Second new title: Re fill and dredge and certain minor wharves and piers in wetlands.

573, LT 1012, am 1173-1179, psd 1181, nonconc H am, conf 2592, 2882, rep adop 3019, 3021-3022, enr am 3169, enr 3251, veto LT 3431-3432

SB 172 Re parental responsibility. (Monier et al)

573, psd 893-900, 915, H nonconc 2399

SB 173 Establishing the New Hampshire municipal bond bank as a public body corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns and districts.

New title: Establishing the New Hampshire municipal bond bank as a public body corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns and districts.

598, Finance 1010-1011, am 1492, psd 1513, conc H am 2587, enr am 3042-3043, enr 3239 (Chapter 491)

SB 174 Re placing a neglected child under the supervision of the director of the division of welfare. (Gardner)

598, psd 908, 915, recon notice 918, recon rej 1076-1078, H conc 2158, enr am 2867-2868, 3166-3167, enr 3251 (Chapter 466)

SB 175 Providing a penalty for purposely or knowingly covering a fire hydrant with snow or other debris. (McLaughlin et al)

598, psd 755, 785, conc H am 1902, enr 2081 (Chapter 209)

SB 176 To amend the law re taxation on legacies and successions. (Foley et al)

618, psd 864, 884, conc H am 2287, enr 3157 (Chapter 467)

SB 177 Re preventive measures for forest and brush fires. (Poulsen et al)

618, psd 947-948, 949, H conc 2158, enr am 2864-2865, enr 2964 (Chapter 394)

SB 178 Re the taking of scallops. (Foley)

618, Study 1092-1093

SB 179 Increasing the state board of registration of funeral directors and embalmers from 5 to 6 members. (Monier)

707, K 1084

- SB 180** Improving the manner of creating and maintaining condominiums and providing for full disclosure in condominium sales. (Smith et al)
707, com changed 708, psd 1057-1058, 1080, H conc 2401, enr am 3216-3217, enr 3260 (Chapter 468)
- SB 181** Amending certain provisions of the land sales full disclosure act. (Smith et al)
707, com changed 708, SO 1058-1061, am 1172-1173, psd 1181, H conc 2401, enr am 3167-3168, enr 3251 (Chapter 469)
- SB 182** Authorizing voter registration by mail. (Foley & Hancock)
707, am 982-984, psd 1005 (H LT)
- SB 183** The establishment of village districts (Smith)
707, psd 837, 884, H Study 1854
- SB 184** Re the time involved for a final disposition of a neglected child providing that the placement of a neglected child, person in need of supervision or delinquent child shall not be at state expense. (Bossie & Bradley)
710, am 1062-1064, psd 1080, H nonconc 2159
- SB 185** Re penalties for violation of fish and game offenses. (Blaisdell)
New title: Re penalties for violation of fish and game offenses and repealing the taking of trout less than 6 inches in length.
710, am 1090-1092, psd 1180, nongermane am ret'd to H 1855, conc H am 2585, enr am 2867, enr 3092-3093 (Chapter 450)
- SB 186** Re extending the authority of the post-secondary education commission. (Smith)
710, psd 943-945, 949, conc H am 2588, enr 2966 (Chapter 395)
- SB 187** Re the New Hampshire-Vermont interstate school compact. (Bradley)
710, psd 941-942, 949, H conc 2158, enr 2966 (Chapter 396)
- SB 188** Legalizing a regular meeting of the Monadnock regional school district. (Trowbridge & Blaisdell)
710, psd 713-714, 746, H conc 864, enr 953 (Chapter 92)
- SB 189** Establishing a coastal resources management program and making an appropriation therefor. (Monier & Hancock)
749, Finance 888-889, psd 1497-1499, 1513, nonconc H am, conf 2592, 2836, rep adop 3019, 3050, enr am 3376, enr 3391, veto overridden (RC) 3432-3436 (H sustained veto)
- SB 190** Re the registration of lobbyists. (Lamontagne)
749, psd 948, 949, H conc 2086, enr 2159, nonconc H am (RC) 2594-2602
- SB 191** Re vested rights and vested deferred retirement benefits under the N.H. retirement system and making an appropriation therefor. (Hancock)
749, K 1519

- SB 192** Re service retirement benefits under the N.H. retirement system and making an appropriation therefor. (Hancock)
749, K 1519
- SB 193** Permitting public service as an alternative sentence for conviction of certain crimes. (Bradley)
749, psd 1125-1126, 1181, H conc 2158, enr am 2864, enr 3092 (Chapter 397)
- SB 194** To permit the state to accept the retrocession of jurisdiction in and over the Veterans Administration hospital in Manchester, N.H. (Healy)
749, psd 1220-1221, 1253, conc H am 2585-2586, enr 2966 (Chapter 398)
- SB 195** Defining and restricting the meaning of "owners" as used in zoning changes. (Sanborn et al)
750, psd 919-921, 948, H Study 2157
- SB 196** Repealing the requirement that prescription drugs be kept in their original container. (Bradley)
750, psd 907-908, 915, H conc 1852, enr 2023, veto LT 2827-2828, veto overridden (RC) 3230-3237, H sustained 3256
- SB 197** Permitting a city or town to charge fees for commercial waste. (Brown & Rep. Felch of Rock. 11)
750, psd 921-922, 948, conc H am 2131, enr 2829 (Chapter 293)
- SB 198** Restricting boating on Pow Wow River in Kingston. (Brown)
750, psd 1093-1094, 1180, H nonconc 2084
- SB 199** Re failing to obey inspection requirements. (Sanborn & Rep. Chandler of Mer. 3)
750, psd 1125, 1180, H nonconc 2085
- SB 200** To create a state district court system for Belknap, Carroll and Grafton counties with full time judges, clerks and other personnel as state supported courts and making an appropriation therefor. (Bradley)
New title: To create a state district court system for Belknap and Grafton counties, with full time judges, clerks and other personnel as state supported courts and making an appropriation therefor.
786, am & Finance (RC) 1319-1333, psd (RC) 1490-1491, 1513, H Study 2085
- SB 201** Re the special license for a passenger vessel operating on state waters. (Sanborn & Rep. Wiggins of Sul. 8)
750, psd 976-977, 1005, conc H am 2287, enr 2845 (Chapter 294)
- SB 202** Re appropriations for the rehabilitation of the memorial bridge in Portsmouth. (Foley)
750, am 1354-1355, psd 1440, H conc 2402, enr 2829 (Chapter 248)
- SB 203** Re the employment of attorneys to assist the Hillsborough county attorney.

- (Bossie et al)
750, psd 1126, 1181, H conc 2158, enr 2966 (Chapter 399)
- SB 204** Concerning the power of Lebanon College to grant degrees. (Bradley)
750, Study 943
- SB 205** Exempting certain motor vehicles and building equipment from public highway weight, height and width limitations. (Smith)
750, psd 1099-1100, 1180, H conc 2086, enr am 2858, enr 2964 (Chapter 400)
- SB 206** Re the salary of an unclassified employee as it relates to the salary of a subordinate classified or unclassified employee. (Smith)
750, psd 1464-1465, 1476, conc H am 2588, enr am 3038, enr 3239 (Chapter 470)
- SB 207** Re foreclosures sales. (Bossie et al)
750, am 1126-1128, psd 1181, recon & am 1452-1453, psd 1454, proforma suspension of jt rules 1904, H conc 2158, enr am 2858-2859, enr 3093 (Chapter 401)
- SB 208** Re prepaid legal insurance. (Bossie & Foley)
750, com changed 761-762, am 1118-1121, psd 1180, nonconc H am 2591
- SB 209** Re the publication of tax sales notices. (Jacobson)
750, psd 1353, 1440, H nonconc 2159
- SB 210** Recodifying the probate laws of the state and incorporating some of the provisions of the uniform probate code. (Bradley et al)
784, psd 957-959, 1005, H Study 2157
- SB 211** Permitting certain school districts to withdraw from a supervisory union. (Jacobson & Sanborn)
New title: Permitting certain school districts to withdraw from supervisory union 53.
786, am 1144-1152, psd 1181, H Study 2085
- SB 212** Adopting the uniform limited partnership act. (Jacobson)
787, JC 962-963
- SB 213** Adopting the uniform class actions act. (Jacobson)
787, JC 963
- SB 214** Prohibiting the possession or sale of devices used to defraud communication companies. (Jacobson)
787, psd 957, 1005, H nonconc 2399
- SB 215** Establishing a family court for Merrimack and Sullivan counties and making an appropriation therefor. (Jacobson & Rep. Wilson of Rock. 2)
787, LT 1377, Study 1571-1576
- SB 216** Providing for the replacement of the Cannon Mt. aerial tramway; making an

appropriation therefor; and, establishing a special account for the income from tramway service charges for operating costs and amortization of the appropriation. (Poulsen & Smith)
787, am 1493-1495, psd 1513, H conc 2402, enr 2829-2830 (Chapter 237)

SB 217 Prohibiting smoke bombs. (Jacobson et al)
787, LT 955-956, am 990-991, recon & am 992-993, psd 1006, nongermane am ret'd to H 1855, conc H am 2585, enr 2966 (Chapter 402)

SB 218 Concerning a statewide public school system performance evaluation. (Jacobson)
787, psd 1152-1156, 1181, H Study 2085

SB 219 Permitting a town on an optional fiscal year basis to hold a second session of the annual meeting. (Monier)
787, psd 986, 1006, H conc 2086, enr 2853 (Chapter 267)

SB 220 Requiring a mandatory jail sentence for any felony in which a deadly weapon is used. (Monier et al)
787, psd 1037-1038, 1080, conc H am 2586, enr 2966 (Chapter 403)

SB 221 Requiring the office of state planning to estimate annually the resident population of cities and towns within the state. (Monier & Hancock)
787, am 1012-1013, psd 1079, H conc 2158, enr 2829 (Chapter 292)

SB 222 Authorizing the town of Peterborough to appropriate money and authorize borrowing for water purposes at special town meetings. (Trowbridge)
New title: Authorizing the town of Peterborough to appropriate money and authorizing borrowing for water purposes at special town meetings and authorizing the Mountain Lakes district in the town of Haverhill to exceed its debt limit for a certain purpose.
787, psd 985-986, 1006, conc H am 2286, enr am 2851-2852, enr 2964-2965 (Chapter 404)

SB 223 Re the winter maintenance of Diamond Pond road in the towns of Colebrook and Stewartstown. (Lamontagne & Rep. Haynes of Coos 1)
New title: Re the winter maintenance of Diamond Pond road in the towns of Colebrook and Stewartstown and re the date of the re-opening roads closed for the winter in the town of Stewartstown.
787, psd 1100, 1180, conc H am 2586, enr 2966 (Chapter 405)

SB 224 Concerning responsibility for costs incurred when a court orders physical or mental treatment for a juvenile. (Foley et al)
788, LT 1547-1549

SB 225 Re permanent disability and retirement of probate judges. (Saggiotes et al)
New title: Making probate judges full time, providing permanent disability and retirement benefits for probate judges, directing the superior court to assign probate judges as marital masters, authorizing the use of lay persons as marital masters in

certain cases, and making an appropriation therefor.

788, LT 1378, Study (2 RC's) 1576-1587, recon, am & psd (2 RC's) 1595-1604, H nonconc 2085

SB 226 Re credit life insurance and credit accident and health insurance. (Bergeron & Rock)

788, am 1112-1113, psd 1180, H conc 2086, enr am 2847-2848, enr 2967 (Chapter 406)

SB 227 Re the expiration dates of licenses granted to insurance companies, agents and adjusters. (Bergeron & Rock)

788, am 1113-1115, psd 1180, H conc 1853, enr 2081 (Chapter 232)

SB 228 Re indicating legislative intent in all statutes enacted by the general court. (Monier et al)

788, psd 978-979, 1005, H nonconc 1854

SB 229 Revising the laws of corporations. (Bossie & Jacobson)

788, am 1130-1133, psd 1181, conc H am 2132, enr am 2863, enr 3093 (Chapter 407)

SB 230 Establishing minimum standards of habitation for leased residential premises. (Jacobson et al)

788, Study (RC) 1033-1035

SB 231 Re changing party affiliation in Manchester. (Bossie & Healy)

788, am 1087-1089, psd 1180 (H LT)

SB 232 Re voting lists in the city of Manchester. (Bossie & Healy)

788, psd 1085, 1179, conc H am 2589, enr 3092 (Chapter 408)

SB 233 Re legal guardianship of the developmentally disabled. (Bossie & Jacobson)

788, psd 964-965, 1005, H nonconc 1854

SB 234 Allowing a member of the retirement system on insurance disability to continue to pay into the retirement system. (Foley)

788, am 1353-1354, psd 1440, H conc 2401, enr 2967 (Chapter 409)

SB 235 Establishing a study commission on child abuse and neglect and making an appropriation therefor. (Foley & Jacobson)

788, Finance 1241, SO 1519, psd 1569-1570, 1591, H nonconc 2085

SB 236 Re a single retirement rate. (Hancock)

New title: Re a single retirement rate, service retirement benefits and vested rights under the New Hampshire retirement system.

788, am 1521-1530, psd 1541, nonconc H am, conf 2592-2593, 2861, rep adop 3019, 3044-3049, enr am 3267, enr 3378 (Chapter 510)

SB 237 Concerning the affidavit used in case of a voter challenge. (Hancock & Foley)

788, psd 985, 1005 (H LT)

- SB 238** Re waiving competitive bidding for the city of Manchester under certain conditions. (Bossie & Healy)
789, psd 1085-1086, 1180, H conc 2158, enr 2829 (Chapter 291)
- SB 239** Re the appointment, suspension and discharge of deputy sheriffs. (Poulsen)
789, 1P 979
- SB 240** Permitting towns to appropriate money for day care centers. (Foley)
789, psd 1185-1187, 1253, H conc 2158, enr 2853 (Chapter 263)
- SB 241** Establishing the southeast New Hampshire water supply project and making an appropriation therefor. (Foley)
789, am & Finance 1164-1166, Study 1502-1503
- SB 242** Re partnerships, associations and corporations holding an insurance agent's license. (Bergeron)
789, psd 1030, 1080, H conc 2086, enr 2853 (Chapter 257)
- SB 243** Re payments in lieu of taxes to the town of Gilford from the Belknap county recreational area. (Gardner)
789, Study 1308-1310
- SB 244** Concerning vocational-technical colleges. (Sanborn)
789, psd 999-1000, 1006, conc H am 2130, enr 2829 (Chapter 290)
- SB 245** Re money deposited for the future use or rental of a motion picture film. (Sanborn)
789, K 1011-1012
- SB 246** Requiring rear wheel drive motor vehicles to be equipped with snow tires. (Sanborn)
789, LT 1100, 1P 1159-1161
- SB 247** Re the limitation on receiving assistance from the federal government and the state for sewage disposal facilities. (Lamontagne)
821, am 993-994, psd 1006, H conc 1853, enr 2023 (Chapter 178)
- SB 248** Re the taking of alewives and river herring. (Foley & Preston)
821, psd 1089-1090, 1180, H conc 1852, enr 2023 (Chapter 201)
- SB 249** Re the definition of rule in the administrative procedures act. (Bossie & Rep. O'Connor of Str. 18)
821, rcmt 979, am 1241-1242, psd 1254, nonconc H am, conf 2101, 2396, rep adop 3019, 3060-3061, enr 3251 (Chapter 471)
- SB 250** Re the funding of regional vocational school tuition and transportation from the sweepstakes fund and making an appropriation therefor. (Monier)
821-822, Study 1465-1466

- SB 251** Re the housing finance agency. (Monier)
822, am 980-982, psd 1005, conc H am 2587, enr am 2867, enr 3093 (Chapter 410)
- SB 252** Re residential real estate exemption for persons totally disabled under the social security act. (Jacobson & Rep. LaBonte of Mer. 12)
822, Study 1075
- SB 253** Re the examination, certification and registration of arborists and making an appropriation therefor. (Hancock)
822, am & Finance 1081-1084, psd 1550, 1591, conc H am 2587-2588, enr am 3223, enr 3335 (Chapter 472)
- SB 254** Eliminating the one year full pay provision for totally disabled classified state employees. (Monier)
822, SO 1495-1497, psd (RC) 1563-1567, 1591, H nonconc 2399
- SB 255** Re female lobsters. (Foley & Preston)
822, psd 1089, 1180, H conc 1852, enr 2023 (Chapter 189)
- SB 256** Re the reporting of lobster catch. (Foley & Preston)
822, psd 1094, 1180, H Study 1854
- SB 257** Re commercial salt water fishing. (Foley & Preston)
822, psd 1090, 1180, H Study 1854
- SB 258** Permitting veterans of the Vietnam Conflict the use of armories for meetings. (Saggiotes)
New title: Permitting veterans of the Vietnam conflict the use of armories for meetings and requiring not less than 90 consecutive days of service to qualify for tax exemption.
822, psd 979-980, recon & LT 1002-1003, am 1156-1159, psd 1181, nonconc H am, conf 2130, 2396 (Died)
- SB 259** Requiring permits for camp trip leaders. (Smith)
822, Study 1094
- SB 260** Re licensing psychologists and regulating the practice of psychology. (Smith)
822, Study 1065
- SB 261** Re the service of writs and other processes. (Bradley)
822, psd 956, 1005, H nonconc 2399
- SB 262** Creating a New Hampshire athletic trainers board. (Sanborn)
822, am 1188-1190, psd 1253, H Study 1854
- SB 263** Establishing procedure to discontinue certain capital reserve funds. (Bradley)
822, psd 985, 1005, H conc 2158, enr 2829 (Chapter 287)

- SB 264** Permitting political subdivisions which choose coverage under the unemployment compensation law (RSA 282) to either elect the reimbursement or contribution method of payment. (Bradley)
822, K 1030-1031
- SB 265** Concerning the selection and exemption of jurors. (Smith)
New title: Concerning the selection of jurors.
823, am 1128-1130, psd 1181, conc H am 2285, enr am 3222-3223, enr 3335 (Chapter 473)
- SB 266** Concerning a fee to be paid to the register of probate at the filing of the final account for certain estates. (Saggiotes)
823, K 1133-1134
- SB 267** Establishing a marketable record title act. (Bradley & Bossie)
823, JC 956
- SB 268** Re the rights of law enforcement officers. (Bossie et al)
823, LT 963-964, am 987-990, psd 1006, H nonconc 2399
- SB 269** Re school committee elections in the city of Manchester. (Bossie et al)
823, psd 1086-1087, 1180, conc H am 2588, enr 3250 (Chapter 474)
- SB 270** Re municipal immunity. (Lamontagne)
823, psd 1190-1197, 1253, H conc 2158, enr 2829 (Chapter 328)
- SB 271** Exempting certain governmental entities from the payment of motor vehicle road tolls. (Sanborn)
823, psd 1100-1101, 1180, H Study 2085
- SB 272** Requiring notification of the owners of certain abandoned motor vehicles. (Monier)
823, psd 1101-1102, 1180. H Study 2085
- SB 273** Establishing guidelines for the establishment of rates for nursing homes under the medical assistance program. (Rock)
823, Study 1064-1065
- SB 274** Re licensing insurance appraisers. (Lamontagne)
New title: Re licensing automobile insurance appraisers.
823, am 1115-1117, psd 1180, H nonconc 2399
- SB 275** Providing for mandatory distribution of instruction on safely installing solid fuel heating appliances. (Monier)
823, psd 1163-1164, 1181, H Study 2085
- SB 276** Concerning the penalties for using unapproved insurance policy forms. (Rock)
823, am 1117-1118, psd 1180, nonconc H am, conf 2590, 2860, rep adop 3019, 3044,

enr am 3217-3218, enr 3335 (Chapter 475)

SB 277 Amending the state industrial development act. (Rock)

New title: Amending the state industrial development act and reclassifying a portion of Pennichuck Brook.

823, LT 984-985, am 1095-1098, psd 1180, recon 1333-1345, psd 1352, H nonconc 2399

SB 278 Re exempting certain motor vehicles from motor vehicle registration fees. (Rock)

823, psd 1221, 1253, H Study 2085

SB 279 Re group health insurance coverage for certain retired state employees. (Rock)

823, psd 1001-1002, 1006, conc H am 2131, enr 2829 (Chapter 289)

SB 280 Re motor vehicle inspections. (Lamontagne)

823, psd 1221-1222, 1253, nonconc H am, conf 2130, 2397 (Died)

SB 281 Restricting the length of certain loads on trucks. (Lamontagne)

823, LT 1222-1223

SB 282 Re the use of binder chains on certain motor vehicles transporting construction equipment (Lamontagne)

New title: Re vehicles transporting construction equipment and re exempting out of state vehicles from a user's license until July 1, 1979.

824, psd 1223-1224, 1254, conc H am 2586-2587, enr am 3039, enr 3239-3240 (Chapter 476)

SB 283 Re motor vehicles declared to be totally damaged. (Poulsen & Rock)

824, psd 1112, 1180, H conc 2401, enr 2967 (Chapter 451)

SB 284 Establishing a construction warranty law. (Provost)

824 (Died)

SB 285 Re the accelerated Federal-Aid highway construction program. (Brown)

881, psd 1081, 1179, H conc 2401, enr 2830, H conc 2831 (Chapter 246)

SB 286 Revising the pharmacy laws. (Brown)

881, Finance 1199-1200, LT 1482, am 1535-1537, psd 1541, H Study 1854

SB 287 Amending the state operating budget and making an appropriation therefor. (Brown)

882, am 1461-1463, psd 1476, H conc 1908, enr 2024 (Chapter 177)

SB 288 Re nursing home administrators. (Poulsen)

882, psd 1085, 1179, H conc 2401, enr am 3165-3166, enr 3251 (Chapter 477)

SB 289 Re the issuance of licenses to operators of golf, indoor tennis, racquet and curling clubs. (Downing & Rep. French of Bel. 1)

- 882, am 1134-1141, psd 1181, nonconc H am, conf 2592, 2861, rep adop 3019, 3060, enr 3251 (Chapter 478)
- SB 290** Re the state library acting in an advisory capacity to state institutional libraries. (Smith & Keeney)
882, psd 999-1000, 1006, H conc 1852, enr am 2099-2100, enr 2831 (Chapter 241)
- SB 291** Permitting a local option to adopt property tax exemption for property improvements and rehabilitation. (Keeney)
882, psd 1200, 1253, H nonconc 2159
- SB 292** Re neglected and delinquent children. (Foley & Smith)
882, Study 1043-1044
- SB 293** Re wood processing mills. (Poulsen & Rep. Johnson of Ches. 3)
882, psd 1242-1243, 1254, conc H am 2100, enr 2829 (Chapter 288)
- SB 294** Establishing minimum standards for energy conservation in public buildings. (Brown)
882, am 1162-1163, psd 1181, conc H am 2588, enr am 3000-3003, enr 3239 (Chapter 479)
- SB 295** Re sexual offenses against minors within the state. (Preston)
882, JC 954-955
- SB 296** Re the expenses of the division of municipal accounting in the performance of its audit functions. (Foley)
882, psd 1200-1201, 1253, H nonconc 2399
- SB 297** Establishing a unified public school system for the state. (Jacobson)
First new title: Establishing a study committee to study a unified public school system for the state.
Second new title: Establishing a study committee to study a unified public school system for the state and prohibiting supervisory unions to do certain acts.
882, am 1183-1185, psd 1253, conc H am 2287, enr 3092 (Chapter 452)
- SB 298** Abolishing county government and transferring its functions to appropriate state or local governments. (Jacobson)
882, Study 1201
- SB 299** Authorizing the establishment of municipal development districts. (Hancock)
882, psd 1201-1202, 1253, H conc 2158, enr am 2905-2906, enr 3092, veto sustained (RC) 3388-3389
- SB 300** Re the registration of unauthorized dams. (Keeney et al)
882, LT 1166-1167, am 1216-1220, psd 1253, H conc 2087, enr am 2847, enr 2967 (Chapter 411)
- SB 301** Re the qualifications of planning board members. (Brown & Rock)

- 882-883, am & LT 1202-1206
- SB 302** Re the time for completing improvements of subdivisions for vesting rights thereafter. (Brown et al)
883, LT 1206, am (RC) 1436-1439, psd 1441, H Study 2157
- SB 303** Establishing a department of corrections merging therein the state prison, the youth development center, the department of probation, and the board and department of parole. (Sanborn)
New title: Concerning the organization and reorganization of the state government and establishing a department of corrections as a department in the executive branch, and making an appropriation.
885, am & Finance (RC) 1264-1295, psd 1492, 1513, H Study 2086
- SB 304** Establishing the position of senior adult recreation program specialist and making an appropriation therefor. (Blaisdell)
885, K 1465
- SB 305** Imposing a 5 year moratorium on the issuance of horse and dog racing licenses. (Blaisdell)
885 (Died)
- SB 306** Authorizing the governor to enter into a contract with schools of dental medicine to guarantee openings for qualified N.H. students and making an appropriation therefor. (Blaisdell)
885-886, Finance 999-1001, psd 1503-1504, 1513, H nonconc 2399
- SB 307** Re deceased funeral directors. (Blaisdell)
886, am 1065-1067, psd 1080, conc H am 2131, enr 2829, recalled & LT 2832, am & psd 2870-2872, H conc 2898, 3156, enr am 3177, enr 3252 (Chapter 480)
- SB 308** Including stairway inclined lifts and chair devices within the statutory definition of elevators. (Blaisdell)
New title: Including stairway inclined lifts within the statutory definition of elevators and prescribing safety standards for such lifts.
886, psd 1084-1085, 1179, conc H am 2286, enr 2967 (Chapter 412)
- SB 309** Providing for the stamping and sale of skins. (Blaisdell)
886, psd 1094, 1180, H nonconc 1854
- SB 310** Which changes certain laws which refer to game animals, game birds, furbearers, and fish to the general category of wildlife. (Blaisdell)
886, am 1093, psd 1180, conc H am 1902-1903, enr am 2100, enr 2830 (Chapter 247)
- SB 311** Re prepayment of resident taxes. (Bradley et al)
886, Study 1075-1076
- SB 312** Prohibiting the taking of game birds with a rifle or pistol. (Blaisdell)
886 (Died)

- SB 313** Re political expenditures, advertising and contributions. (Foley & Rep. Hildreth of Bel. 6)
916 (Died)
- SB 314** Permitting the assembly and voluntary participation of public school pupils in the free exercise of religion during a 5 minute period before the start of the official school day. (Sanborn et al)
916, LT 1243, psd (2 RC's) 1444-1449, 1451, H conc 1853, enr 2023 (Chapter 182)
- SB 315** Re mobile home foundations. (Sanborn)
916, psd 1164, 1181, nonconc H am, conf 2288, 2585, 2836, rep adop 2898, 2911, enr 3240 (Chapter 481)
- SB 316** Establishing a surrogate parent program in New Hampshire. (Smith)
916, psd 1043, 1080, H Study 2401
- SB 317** Re elderly tax exemptions for residential real estate. (Keeney & Rep. Boisvert of Hil. 22)
916-917, am 1379, psd 1440, H nonconc 2085
- SB 318** Re alternative civil proceeding to declare material obscene and to terminate its dissemination. (Foley & Rep. Krasker of Rock. 22)
917, psd 1038-1039, 1080, H Study 2158
- SB 319** Changing the penalty for a first conviction for operating or attempting to operate a motor vehicle upon any way while under the influence of intoxicating liquor or any controlled drug. (Monier)
917, LT 1039-1043
- SB 320** Re lead paint poisoning. (Foley)
950 (Died)
- SB 321** Establishing the office of state negotiations. (Smith)
950, Finance 1216, psd 1489, 1513, H nonconc 2085, conc H am 2285, enr am 3038-3039, enr 3240 (Chapter 482)
- SB 322** Re four-lane highways and rights-of-way. (Trowbridge)
950, psd 1224-1226, 1254, H nonconc 1854
- SB 323** Reducing the size of the board of trustees of the university system by deleting the presidents of the university, Plymouth state college and Keene state college as trustees ex officio. (Sanborn)
950 (Died)
- SB 324** Requiring an annual financial statement from a person, association or corporation conducting horse or dog races or meets. (Blaisdell)
950, psd 1379-1381, 1440-1441, H conc 2401, enr am 3166, enr 3252 (Chapter 483)
- SB 325** Amending the charter of the union school district of Keene to provide that a

candidate for school district office shall file his declaration of candidacy no earlier than 45 days and no later than the fifth Monday next preceding the district election. (Blaisdell)

951, psd 1255, 1352, H conc 1852, enr 2290 (Chapter 229)

SB 326 Defining the term "inhabitant" for purposes of certain elections. (Lamontagne et al)

951, psd 1207, 1253 (H LT)

SB 327 Adopting the uniform amendments to article 9 of the uniform commercial code. (Jacobson)

1007, JC 1243

SB 328 Restructuring the office of legislative services and creating an office of revisor of statutes. (Jacobson)

1007, am 1255-1266, psd 1352, H nonconc 1854

SB 329 Establishing a board of judiciary to administer the state's courts and making an appropriation therefor. (Jacobson)

1007, JC 1345

SB 330 Re protests in zoning ordinance change. (Jacobson)

1007, psd 1209, 1253, H conc 2086, enr am 2859, enr 2965 (Chapter 413)

SB 331 Re rehearings on zoning board of adjustments decisions. (Jacobson)

1007, psd 1209, 1253, H conc 2086, enr 2853 (Chapter 266)

SB 332 Establishing a statewide public defender system and making an appropriation therefor. (Jacobson)

1007, Study 1345-1346

SB 333 Establishing a department of transportation. (Monier et al)

1007-1008, Finance 1210-1212, Study 1595

SB 334 Re the transfer of the Manchester and Nashua policemen to the New Hampshire retirement system and making an appropriation therefor. (Provost et al)

1008, am 1542-1547, psd 1590-1591, conc H am 2588-2589, recon, nonconc H am, conf 2744-2746, 2860, 2882, rep adop 3019, 3061, enr 3250 (Chapter 484)

SB 335 Re the establishment of a division of graphic services. (Provost)

First new title: Re the establishment of a section of graphic services.

Second new title: Re the establishment of a division of graphic services and making an appropriation therefor.

1008, am & Finance 1212-1214, K 1487-1489, recon notice 1517, recon & Finance 1538-1540, am 1591-1595, psd 1603, nonconc H am, conf 2591, 2882, rep adop 3081, 3083-3084, enr am 3218-3219, enr 3335 (Chapter 485)

SB 336 Re home warranties. (Monier et al)

1008, com changed 1036, psd 1214-1215, 1253, H Study 2401

- SB 337** Re family day care. (Rock et al)
1008, psd 1181-1183, 1253, nonconc H am, conf 2589, 2861, rep adop 3018, 3044, enr am 3219-3220, enr 3377 (Chapter 511)
- SB 338** Re investigations of the state fire marshal. (McLaughlin & Sanborn)
1008, psd 1243-1244, 1254, H nonconc 2399
- SB 339** Re the withdrawal of the Great Bay School and Training Center from the state retirement system. (Foley)
New title: Re the withdrawal from the New Hampshire retirement system.
1008, LT 1549-1550, am 1567-1569, psd 1591, H conc 2086, enr 2853 (Chapter 262)
- SB 340** Re the state motto on motor vehicle number plates. (Rock & Monier)
1008, LT (RC) 1226-1237, (RC) 1450-1451
- SB 341** Re child advocacy. (Preston & Foley)
1008, Study 1346
- SB 342** To require that certain court orders mandating change in ownership of property be recorded. (Bradley)
1008, am & 1P 1346-1349
- SB 343** Making an appropriation for the American and Canadian French cultural exchange commission. (Provost)
1008, psd 1463-1464, 1476, H nonconc 2159
- SB 344** Providing for the appointment of pro tempore members of the personnel commission. (Healy)
1008, psd 1244-1245, 1254, H nonconc 2085
- SB 345** Making a supplemental appropriation to nurses registration board. (Smith)
1009, psd 1464, 1476, H conc 2401, enr 2830 (Chapter 242)
- SB 346** Re liens on mobile home park owners. (Hancock)
1009, am 1349-1350, psd 1352, H nonconc 2159
- SB 347** Providing for additional staff and upgrading certain facilities at Laconia state school and training center and making an appropriation therefor. (Trowbridge et al)
1009, am 1499-1501, psd 1513, H conc 2401, enr 2853 (Chapter 254)
- SB 348** Establishing a special fund derived from bar applicant fees for the use of the supreme court. (Bossie & Smith)
New title: Re qualifications for admission to practice law and establishing a special fund derived from bar applicant fees for the use of the supreme court.
1009, am 1350-1351, psd 1352, nonconc H am, conf 2589, 2836 (Died)
- SB 349** Granting zoning powers to the Lower Bartlett water precinct village district and ratifying the annual meetings of the Lower Bartlett water precinct village district for 1976 and 1977. (Poulsen)

New title: Granting zoning powers to the Lower Bartlett water precinct village district and ratifying the annual meetings of the Lower Bartlett water precinct village district for 1976 and 1977 and legalizing certain action taken by the annual meeting of the town of Allenstown for 1977.

1009, psd 1215-1216, 1253, conc H am 2586, enr 2967 (Chapter 414)

SB 350 Authorizing games of chance at agricultural fairs and nonprofit fundraising activities. (Brown)

New title: Authorizing games of chance at agricultural fairs and nonprofit fundraising activities and permitting local officials to receive reports of beano games.

1009, am 1381-1383, psd 1441, nonconc H am, conf 2590, 2860, rep adop 3018, 3043, enr 3157 (Chapter 329)

SB 351 Re instituting a residential flat rate schedule with a time of day optional rate for electric utilities. (Fennelly & Rep. Smith of Hil. 14)

1009 (Died)

SB 352 Re the power of Franconia college to grant degrees. (Poulsen)

1009, Study 1255

SB 353 Permitting the expenditures of certain unanticipated revenues pursuant to the municipal budget law. (Keeney)

1009, psd 1216, 1253, H Study 2086

SB 354 Re investment of funds of certain fiduciaries. (Preston & Bossie)

1009, psd 1240-1241, 1254, H conc 1853, enr 2290 (Chapter 228)

SB 355 Re the Hillsborough county register of probate. (Provost)

1009 (Died)

SB 356 Re the scope of the hearings conducted by the appeals board of the health and welfare advisory commission. (Hancock)

1009, psd 1245, 1254, H nonconc 1854

SB 357 Re sovereign immunity of the state. (Monier et al)

1009-1010, psd 1295-1297, 1352, H nonconc 2399

SB 358 Re the denial of an application for a credit card. (Preston & Bossie)

1079, psd 1256-1261, 1352, H nonconc 1908

SB 359 Re dental practice in New Hampshire. (Saggiotes)

1079, Study 1410-1413

SB 360 Re state payment for neglected children who are placed in certain kinds of foster care and making an appropriation therefor. (Bossie et al)

1079, SO 1519-1521, K 1570-1571

SB 361 Establishing the N.H. civic and sports facilities authority as a body politic and corporate for the purpose of acquiring, constructing, furnishing, equipping, owning, improving, operating, maintaining and financing civic and sports facilities complexes, and making an appropriation therefor. (Sanborn)

1111, Study 1502

SB 362 Making the university of N.H. a private university and establishing a state student incentive grant program and making an appropriation therefor. (Jacobson)
1111 (Died)

SB 363 Revising guardianship procedures. (Smith & Rep. Roberts of Bel. 4)
1111, psd 1351, 1352, H Study 2158

SB 364 Re training in osteopathic medicine and making an appropriation therefor. (Saggiotes et al)
1111-1112, am 1554-1556, psd 1591, H Study 2401

SB 365 Establishing a police and fire academy and making an appropriation therefor. (Sanborn et al)
1112, Study 1501-1502

SB 366 Establishing a 5 member oversight committee to recodify the election laws and making an appropriation therefor. (Bossie et al)
New title: Establishing a 7 member oversight committee to recodify the election laws and making an appropriation therefor.
1112, Finance 1308, psd 1518-1519, 1541, nonconc H am, conf 2594, 2860, rep adop 3081, 3084, enr am 3169-3170, enr 3252 (Chapter 492)

SB 367 Re selling sporting event lists by the sweepstakes commission and making an appropriation therefor. (Bossie et al)
1112 (Died)

SB 368 Abolishing the municipal power department authority in the city of Berlin. (Lamontagne)
New title: Permitting a referendum in the city of Berlin.
1352, com changed (RC) 1415-1421, am 1550-1554, psd 1591, H nonconc 2085

SB 369 Authorizing the town of Littleton to exceed its bonded indebtedness to cover present indebtedness of the Littleton water and light department. (Poulsen)
intro & psd 1413-1415, 1441, nonconc H am, conf 2590, 2860, rep adop 3019, 3043-3044, enr 3240 (Chapter 486)

SB 370 Exempting from taxation interest on certain out of state bank deposits. (Downing et al)
New title: Exempting from tax interest on certain out of state bank deposits and re the term of legislative members to the bank advisory board.
intro & psd 1834-1840, 1851, conc H am 2287-2288, enr 2853 (Chapter 251)

SB 371 To repeal charters of certain corporations. (Rock)
New title: To repeal charters of certain corporations and re the periodic repeal of corporate charters by the secretary of state.
intro & psd 2402-2403, 2494, conc H am 2872, enr am 3268-3269, enr 3378 (Chapter 564)

SB 372 To correct errors and omissions from the 1977 session. (Brown & Bossie)
intro & LT 3345-3348, 3386

SENATE JOINT RESOLUTIONS

SJR 1 Establishing a committee to study the feasibility of quarter horse race meets running concurrently with thoroughbred race meets and making an appropriation therefor. (Bossie)

New title: Establishing a committee to study the feasibility of quarter horse race meets running concurrently with thoroughbred race meets.

51-52, am 248-249, psd 250, H nonconc 790

SJR 2 Re retirement credits for Mary G Bernier. (Provost & Sanborn)
52 (Died)

SJR 3 Requesting the judicial council to study the problems of collection on judgments and issuance of executions and to propose corrective legislation. (Bradley)
825, psd 956-957, 1005, H conc 2401, enr 2967 (Chapter 444)

SJR 5 Making temporary appropriations for the expenses and encumbrances of the State of New Hampshire.
intro & psd 3379-3386 (H LT)

SENATE CONCURRENT RESOLUTIONS

SCR 1 In opposition to the action of President Carter in pardoning the draft evaders. (Downing)
31 (Died)

SCR 2 To petition the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States which guarantees that a student has the right to attend the public school nearest his home. (Monier et al)
148, adop 975-976, H nonconc 2084

SCR 3 Establishing a special committee to study tax reform at all levels of government. (Blaisdell et al)
148-149, SO 819, IP (RC) 986-987

SCR 4 To petition Congress to call a convention to propose an amendment to the United States Constitution to require a balanced federal budget, except in a national emergency. (Monier & Trowbridge)
191, additional sponsors 360, adop 755-757, H nonconc 1854

SCR 5 Educating the state board of education relative to the constitution of New Hampshire.
751 (Died)

SENATE RESOLUTIONS

SR 1 Memorializing the New Hampshire Congressional delegation regarding the Environmental Protection Agency. (Healy)

7, adop 142-146

SR 2 Commemorating deputy secretary of state, Edward D. Kelley, for his service to the state. (Healy)
intro & adop 12-13

SR 3 Memorializing Marion Alexander for her service to the state. (Lamontagne & Gardner)
intro & adop 102-103

SR 4 In opposition to the action of the President of the United States pardoning the draft evaders.
109, adop (RC) 278-305

SR 5 Requesting an opinion of the justices on Senate Bill 75.
intro & adop 1443-1444, substitute res adop 1590

SR 6 Concerning the resolution of differences between the schools of chiropractic.
intro & adop 2737-2738

SR 7 Commending Specialist Five Rosaire Albert Cote.
intro & adop 2872-2873

SR 8 Petitioning the United States Forest Service relative to a gate near South Pond in the town of Stark.
intro & adop 2873-2879

SR 9 Requesting an opinion of the justices on HB 1096.
intro 2879-2880, adop 3391

SR 10 Requesting an advisory opinion of the justices on HB 439.
intro 2880-2881, adop 3391

SR 11 Re studying the need for an industrial revenue bond marketing commission.
intro & adop 3237-3239

SR 12 Re state liquor stores being closed on Christmas and New Year's Eves.
intro & adop (RC) 3389-3390

HOUSE BILLS

HB 1 Re the fee schedule of the recording officers.
346, SO 524-528, 594, psd (RC) 642-647, 648, enr 751 (Chapter 89)

HB 3 Permitting the legislature to establish additional district courts.
468 (Died)

HB 4 Amending the hunting season for raccoons.
New title: Re the hunting season and season limit for raccoons.
53, psd 274-275, 306, enr am 310, enr 407 (Chapter 23)

- HB 5** Re regulating the licensing of cosmetologists.
109, psd 364-365, 405, enr 407 (Chapter 32)
- HB 6** Granting reciprocity to certain licensed cosmetologists from other jurisdictions, if that jurisdiction participates in national testing.
New title: Granting reciprocity to certain licensed cosmetologists from other jurisdictions.
50, rcmt 241, am 446-447, psd 464-465, H conc 1606, enr am 1904, enr 2080 (Chapter 198)
- HB 7** Increasing the number of resident New Hampshire members of the New England Board of Higher Education.
711, am 1531-1533, psd 1541, H conc 1606, enr 1790 (Vetoed)
- HB 8** Re the authority of the state fire marshal to order autopsies.
254 (Died)
- HB 10** Establishing an age limitation for deputies and special deputies appointed by sheriffs.
34, K 118-119
- HB 11** To provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles.
953, psd 1630-1632, 1639, enr 1790 (Chapter 173)
- HB 13** Establishing a hunting season for the taking of foxes and classifying the fox as a fur-bearing animal.
34, psd 169-170, 183, enr 186 (Chapter 12)
- HB 15** Exempting the tax on that portion of the dividend that constitutes a return of capital.
791, psd 1933, 1957, enr 2831 (Chapter 240)
- HB 16** Authorizing out of state municipalities to participate in district fire mutual aid system.
234, psd 1915-1916, 1957, enr 2830 (Chapter 321)
- HB 17** Permitting absentee voting in elections of the union school district in Concord.
254, psd 441, 464, enr 485 (Chapter 47)
- HB 18** To require the operator of a motor vehicle to report an injury to a dog struck by his vehicle.
53, rcmt 241-242, psd (RC) 379-386, 405, enr 407 (Chapter 37)
- HB 19** To reduce the mandatory period for impoundment of dogs and other animals and to increase pound fees.
153, psd 370-371, 405, enr 407 (Chapter 29)
- HB 22** Establishing a recount procedure for votes at special meetings of towns with

official Australian or nonpartisan ballots.
1403, psd 2033, 2082, enr 2962 (Chapter 331)

HB 23 Requiring the filing of a detailed plan with the town clerk of the proposed project to excavate, fill or dredge.
234, LT 2175-2176.

HB 25 Re the maximum amounts of group life insurance for employees.
149, psd 579, 596, enr 651 (Chapter 78)

HB 26 Requiring the use of a protective safety cage when changing split rim truck tires in a repair shop, garage or service station.
53-54, K 242-243

HB 27 Establishing the Meredith district court.
468 (Died)

HB 29 Amending the election laws relative to the qualifications of a candidate filing for certain political offices.
1403, psd 2304, 2344, enr 3159 (Chapter 550)

HB 31 Repealing restrictions on certain expenditures relative to Pease Air Force base.
New title: Making a supplemental appropriation to the adjutant general's department for fiscal 1977 and repealing restrictions on certain expenditures.
150, am 256-259, psd 306, H conc 346, enr 362 (Chapter 18)

HB 32 Re the duties of the director of mental health in regard to community mental health programs.
50, psd 346-347, 360, enr 407 (Chapter 35)

HB 33 Repealing the statute relevant to reinstatement of World War II veterans' licenses.
34, psd 120, 121, enr 146 (Chapter 2)

HB 37 Re the taking of wild deer in the town of Chester.
53, psd 274, 306, enr 362 (Chapter 19)

HB 43 Re the service tax exemptions for real estate taxes.
149, psd 521, 523, enr 544 (Chapter 61)

HB 44 Establishing a legislative committee to study the feasibility of the state preserving farm land by the purchase of land, development rights for easements and making lands so preserved available for agricultural purposes by lease back or renting to bona fide farm operators.
711 (Died)

HB 47 Establishing a fourth New Hampshire song and providing for the designation of an official New Hampshire song.
34, am 154-155, psd 183, H conc 233, enr 234 (Chapter 7)

- HB 49** Re the procedures for the filling of vacancies in certain elected offices.
1403, psd 2300, 2343, enr 3376 (Chapter 512)
- HB 52** Re a person's property rights after his conviction for cruelty to animals.
255 (Died)
- HB 54** Re the administrative procedures act.
34, psd 155-156, 183, enr 186 (Chapter 13)
- HB 55** Providing that the preparation and publication of a list of certain real estate tax assessments shall be determined by the legislative body of any town.
149 (Died)
- HB 57** Re security deposits of tenants of residential premises.
153, am 2112-2118, recon & LT 2127, am 2151-2152, psd 2156, H nonconc, conf, 2395, rep adop 2895-2896, enr 3249 (Chapter 551)
- HB 60** Re registration and examination fees for professional engineers.
109, am & Finance 374-376, psd 561-562, 571, H conc 650, enr am 748, enr 954 (Chapter 99)
- HB 61** Providing for payment of a claim to Cpl/Tech. Henry P. Paris, Jr., New Hampshire state police and making an appropriation therefor.
34, psd 196, 232, enr 234 (Chapter 8)
- HB 64** Prohibiting persons from seeking or holding office as a member of the general court and county commissioner at the same time.
57, psd 2182-2183, 2281, enr 2965 (Chapter 445)
- HB 65** Re the procedure for discharge from employment of the superintendent of the county farm.
97, psd 192-193, 232, enr 234-235 (Chapter 9)
- HB 67** Requiring that candidates for a given office be listed on the ballot in random order, rather than alphabetical order.
1403, K 2038-2039
- HB 68** Re administrative functions of the fish and game department in declaring the opening and closing of seasons re fur-bearing animals.
97, psd 733-734, 746, enr am 1442-1443, enr 1640-1641 (Chapter 111)
- HB 71** To reclassify a certain highway in the city of Dover
308, psd 576, 596, enr 651 (Chapter 72)
- HB 72** Making general revisions of the laws relating to parachuting.
54, psd 243-248, 250, enr 310 (Chapter 16)
- HB 73** Re mental health services for minors.

185, LT 794-799, IP (RC) 1003-1004

HB 74 Reimbursing the North Conway fire department for search and rescue operations and making an appropriation therefor.
50, psd 196, 232, enr 235 (Chapter 10)

HB 78 Increasing the fees for hunting and fishing licenses; revising the fees for members of the armed forces; requiring an agent's special accounting for the period ending June 26, 1977; and making an appropriation therefor.
540, am & Finance 1742-1743, psd 2109-2110, 2156, H conc 2397, enr 2852 (Chapter 252)

HB 79 Re the location of cemeteries.
254, am 653-654, psd 709, H conc 1606, enr 1790, H nonconc, conf 2394, rep adop 3090-3091, 3094, enr 3159 (Chapter 552)

HB 82 Re the surnames of spouses after marriage.
254, SO 486, 567-568, IP (RC) 736-741

HB 84 Re temporary loans issued under the municipal finance act.
34, SO 111-118, rcmt 218, am 554-556, psd 571, H conc 1606, enr 1790 (Chapter 160)

HB 86 Re outdoor advertising control along state highways.
97, psd 387-388, 405, enr 407 (Chapter 36)

HB 89 Re the licensing process and license fees for hospitals and medical institutions or facilities.
1515-1516, am 1724-1725, psd 1747, H conc 2289, 2398, enr 2962 (Chapter 332)

HB 90 Limiting the availability to foreign partnerships of certain trade names.
109, psd 365, 405, enr 407 (Chapter 25)

HB 91 Re assessing a charge for checks returned to all state agencies.
711, psd 1510, 1514, enr 1640 (Chapter 105)

HB 92 Legalizing a special town meeting in Pittsfield.
New title: Legalizing a special town meeting in Pittsfield and proceedings of a special town meeting of Newington.
34, am 110-111, psd 121, H conc 151, enr 153 (Chapter 3)

HB 93 Re the licensing of electrologists.
1406, Finance 1751, psd 2526, 2579, enr 3159 (Chapter 553)

HB 95 Updating the cancer commission enabling act.
97, psd 347, 360, enr 407 (Chapter 33)

HB 96 Increasing the appropriation for regional vocational education centers.
1720, com changed 1749, am 2549-2552, psd 2579, H nonconc, conf 2843, rep adop 2912-2913, 3094, enr am 3245-3246, enr 3377 (Chapter 513)

- HB 97** Re the duty to record the discharge of an attachment upon real estate.
254, K 2006, recon notice 2022
- HB 98** Re an agency's readoption of edited rules and re notice requirements in the rule adoption procedure.
153, am 720-721, psd 746, H conc 1606, enr 1641, recalled & rcmt 1953-1955 [action nullified, in violation of jt rule 16] (Chapter 249)
- HB 99** Re the board of accountancy and allowing accountants to advertise.
484 (Died)
- HB 100** Re placing the Exeter police department under the control of the town manager.
153, am 371-374, psd 405, H conc 467, enr 470 (Chapter 40)
- HB 101** Enabling towns to join together for the purpose of watershed management.
234, psd 655-656, 709, enr 751 (Chapter 82)
- HB 102** Prohibiting the removal of serial numbers from certain products.
New title: Prohibiting the removal of serial numbers from certain products and changing the penalty classifications for theft.
186, SO 607-611, am 741-745, psd 746, H conc 1606, enr 2023 (Chapter 187)
- HB 103** Re licensing fees for real estate brokers and salesmen.
711, psd 1769, 1787, enr am 2099, enr 2831 (Chapter 236)
- HB 104** Providing for the disposal of certain fish, game, fur-bearing animals and marine species.
149, rcmt 348, psd 550-551, 571, enr 596 (Chapter 64)
- HB 105** Re the revocation and suspension of hunting and fishing licenses pending appeal of conviction of fish and game regulation violation and the statutes re littering.
153, psd 277, 307, enr am 310, enr 407 (Chapter 22)
- HB 106** Re the appointment of medical referees by county commissioners.
57, rcmt 415-423, psd 507-511, 523, enr 544 (Chapter 53)
- HB 108** Permitting the liquor commission to issue a special license to certain bowling centers to serve liquor and beverages.
150, psd 912-913, 916, enr 1590 (Chapter 126)
- HB 109** Re official state songs.
New title: Re state songs.
712, LT 910-911, am 1409-1410, psd 1441, recon notice 1453, recon & am 1474-1475, psd 1476, H conc 1606, enr am 1903, enr 2022 (Chapter 224)
- HB 115** Stipulating that any local tax payment made by a check returned by the bank for any reason is deemed a non-payment of the tax bill.

- 149, psd 414-415, 430, enr 432 (Chapter 26)
- HB 116** Re the taxation procedure in village districts.
97, psd 191, 232, enr 235 (Chapter 11)
- HB 117** Re a town's authority to appropriate for school purposes.
97, psd 239-241, 250, enr 310 (Chapter 14)
- HB 119** Authorizing the position of hearing officer in the department of education.
57, am 503-504, psd 523, H conc 573, enr 596 (Chapter 57)
- HB 120** Making a supplemental appropriation for the board of registration for professional engineers.
New title: Making supplemental appropriations to the board of engineers and the office of health planning and development.
109, Finance 376, am 559-561, psd 571, H conc 650, enr 650-651 (Chapter 65)
- HB 121** Re town officers' associations.
109, psd 349, 360, enr 407 (Chapter 31)
- HB 123** Re the establishment of complementary facilities by banks.
186, SO 1743, psd 1869-1870, 1906, enr 2962 (Chapter 333)
- HB 126** Re certain acts prohibited by insurance company officers and directors.
153, am 1814-1816, psd 1851, H conc 2398, enr 2962 (Chapter 334)
- HB 127** Requiring proof of residency in order to register and to vote.
1403, psd 2043-2044, 2082, enr am 3267-3268, enr 3377 (Chapter 514)
- HB 129** Exempting certain persons from prosecution re exposing minors to harmful material or obscenity.
712, rcmt 1658-1669, am 2705-2706, psd 2822, H conc 2898, enr am 3246-3247, enr 3377 (Vetoed)
- HB 130** Re railroad warning signs on the state highway system.
150, psd 447-448, 465, enr 470 (Chapter 41)
- HB 131** Providing a different method of collecting penalties due the state for late certification filing of certain tax information.
97, LT 520-521, psd 2079, 2083, enr am 2865, enr 3093 (Chapter 335)
- HB 132** Prohibiting the transfer of property within 3 years of applying for town assistance.
468, psd 2071, 2083, enr 2962 (Chapter 336)
- HB 133** Prohibiting self-sustaining departments of municipal government from exceeding appropriations voted for their departments without complying with the provisions of RSA 32:10-a.
150, K 504

- HB 134** Permitting each town discretionary power to determine whether the trustees of trust funds publish a full or a summary report in the annual town report.
186, psd 444, 464, enr 470 (Chapter 45)
- HB 136** Providing for a 3-day non-resident small game hunting license.
150, psd 276-277, 306, enr 311 (Chapter 15)
- HB 137** Requiring permission from the trap owner before a duly licensed trapper may tend another trapper's traps.
309, psd 564, 571, enr am 575-576, enr 650 (Chapter 76)
- HB 138** Defining bodies of water 10 acres or more for the purpose of trapping.
149, psd 347-348, 360, enr 408 (Chapter 24)
- HB 139** Providing for the filing and public availability of checklists after every biennial election.
1403, psd 2059, 2082, enr 2962 (Chapter 337)
- HB 140** Eliminating the requirement that at least one city or town intervene between an absentee voter and the place in which he is legally entitled to vote.
1402, psd 2029, 2082, enr 2962 (Chapter 338)
- HB 141** Clarifying the authority to maintain traffic control upon entering the state highway system.
308, psd 591-592, 597, enr 651 (Chapter 75)
- HB 142** Limiting smoking in places of public assembly to designated areas.
97, am 2240-2242, psd 2281, H conc 2400, enr 3092 (Chapter 415)
- HB 143** Requiring a permit and fee for a commercial fishing tournament or contest.
149, psd 424, 430, enr 432 (Chapter 27)
- HB 147** Re the employment of an auditor by a school district.
345, am 651-653, psd 709, H conc 1606, enr 1790 (Chapter 145)
- HB 148** Re recording all changes in ownership of real property with the registry of deeds.
234 (Died)
- HB 149** Increasing fees for lobster, clam and oyster licenses, providing a penalty for misuse of lobster and clam licenses.
New title: Increasing fees for lobster, clam and oyster licenses, providing a penalty for misuse of lobster and clam licenses and removing the residency waiver for lobster and clam licenses.
1516, am 1741, psd 1748, H conc 2289, 2398, enr 2852 (Chapter 286)
- HB 152** Re annual property inventory forms.
150, am (RC) 366-370, am & LT (2 RC's) 395-404, am 1587-1588, psd 1591, H conc 1721, enr 2290 (Chapter 231)

- HB 153** Repealing RSA 262:43 pertaining to garage registration of out-of-state automobiles.
57, psd 447, 465, enr 470 (Chapter 42)
- HB 156** Re the property tax list.
346, psd 539, 543, enr 596 (Chapter 55)
- HB 157** Re determining the compensation to be allowed the collector of taxes.
149, am 444-445, psd 464, H conc 483, enr 485 (Chapter 46)
- HB 158** Re the compensation of tax collectors.
153, psd 446, 464, enr am 485, enr 596 (Chapter 63)
- HB 159** Re equine infectious anemia.
468, SO 2007-2008, psd 2134-2136, 2156, enr 2962 (Chapter 446)
- HB 160** Re the procedure used to handle complaints filed with the commission for human rights.
255, K 721
- HB 161** Permitting licensees to promote the sale of alcoholic beverages at reduced prices.
748, LT 1754-1760, am 1785-1787, psd 1788, H nonconc, conf 2282, rep adop 2907-2908, enr 3259 (Chapter 554)
- HB 166** Re limited openings of smelt brooks to the handicapped.
308, psd 564, 571, enr 596 (Chapter 58)
- HB 167** Re legal voters changing party affiliation and the posting of checklists.
New title: Re legal voters changing party registration, the posting of checklists, and party organization.
1403, am (RC) 2666-2681, psd 2822, H nonconc, conf 2899, rep adop 3061-3064, enr am 3256-3257, enr 3377 (Chapter 515) .
- HB 168** Prohibiting the erection of advertising devices beyond 660 feet from interstate or federal aid primary system rights of way.
432, psd 631, 648, enr 751 (Chapter 87)
- HB 170** Re property tax exemptions for certain disabled servicemen.
153, psd 521-522, 523, enr 544 (Chapter 52)
- HB 172** Permitting tax collectors to use automatic or electronic data processing equipment in certain cases.
149, rcmt 423, psd 551-552, 571, enr 596 (Chapter 56)
- HB 174** Increasing the fee for motorcycle operator's license to \$12 and providing an effective period for such licenses of 4 years.
541, psd 862, 884, enr 953 (Chapter 96)

- HB 181** Allowing senior citizens to play beano for a nominal cash prize.
254, psd 440, 464, enr 470 (Chapter 39)
- HB 184** Re minimum insurance coverage required for aircraft operated for hire and requirements for security deposits and self-insurer certificates.
308, psd 579-580, 596, enr 651 (Chapter 69)
- HB 186** Providing the seasons and bag limits on snowshoe hares and cottontail rabbits and defining small game.
309, psd 564, 571, enr am 575, enr 650 (Chapter 67)
- HB 187** Amending the penalty provision of the mobile home park law.
255, am 629-631, psd 648, H nonconc, conf 1607, rep adop 2882-2883, enr 3240 (Chapter 555)
- HB 190** Re the administrative procedures act.
485 (Died)
- HB 192** Re the taking of deer in the town of Auburn.
153, psd 277, 307, enr am 309-310, enr 407 (Chapter 21)
- HB 196** Authorizing the issuance of non-driver's picture identification cards.
1589, psd 1832-1833, 1851, enr 2080 (Chapter 194)
- HB 197** Re open pit burning in towns of less than 2,500 population.
952, LT 2178-2179, am 2796-2800, psd 2823, H nonconc, conf 2862, rep adop 2971-2973, enr 3159 (Chapter 494)
- HB 198** Giving village districts the authority to maintain ambulance services.
346, psd 1610, 1639, enr 1791 (Chapter 154)
- HB 199** Re the licensure of occupational therapists.
1516, psd 1724, 1747, enr 2022 (Chapter 213)
- HB 200** Permitting a court to require a delinquent child to make restitution.
255, psd 580-581, 597, enr 651 (Chapter 71)
- HB 202** Establishing a Pittsfield judicial district and a Pittsfield district court.
468 (Died)
- HB 204** Repealing RSA 312 re auctions of personal property.
153, psd 365-366, 405, enr 408 (Chapter 34)
- HB 205** Re claims for damages against motor transport companies.
1407, IP 1989-1990
- HB 207** Re hunting with bow and arrow.
1406, am 1741-1742, psd 1748, H conc 2289, 2398, enr am 2857, enr 3249 (Chapter 556)

HB 208 Re public hearings on variances of zoning regulations.
953, rcmt 1612 (Died)

HB 210 Making it illegal to take trout less than 6 inches in length.
149, psd 424-429, 430, enr 485 (Chapter 49; Repealed by Chapter 450)

HB 213 Re reconsidering an action taken at a town meeting, village district meeting or school district meeting.
599, am 1862-1864, psd 1906, recon notice 1908, recon & rcmt 2020, am 2144-2146, psd 2156, H nonconc, conf 2395

HB 214 Providing a penalty for the false reporting of a motor vehicle accident.
149, psd 438, 464, enr 470 (Chapter 43)

HB 215 Permitting the posting of "for sale" signs in mobile home parks.
255, am 732-733, psd 746, H conc 1606, enr 1790 (Chapter 144)

HB 216 Authorizing the sale of bonds to cover the local share of construction costs on the Winnepesaukee River basin project.
1517, psd 2188, 2281, enr 2962 (Chapter 339)

HB 217 Re tuition for foster children.
New Title: Re tuition for foster children and re providing liability insurance for individuals providing foster care.
1515, am 1960-1962, psd 2021, H conc 2289, 2398, enr 2962-2963 (Chapter 340)

HB 218 Renaming the bureau of off-highway recreational vehicles and establishing an additional responsibility for the bureau.
New title: Renaming the supervisor of the bureau of off-highway recreational vehicles and establishing an OHRV fund.
1406, am 1861-1862, psd 1906, H nonconc, conf 2283, rep adop 3064-3067, enr am 3257, enr 3377 (Chapter 516)

HB 220 Re state bridge and town bridge aid.
309, psd 612-613, 617, enr 751 (Chapter 79)

HB 223 Requiring all lobbyists to wear a name tag when lobbying in the state house or the legislative office building.
255, am 2725-2727, psd 2823, H nonconc, conf 2840-2841, rep adop 2884, enr 3240 (Chapter 571)

HB 227 Re procedures for appointment and removal of the deputy commissioner of safety.
650, psd 1688-1689, 1718, recon notice 1721, recon & am 1876-1879, psd 1906, H nonconc, conf 2395, rep adop 2887-2888, enr 3159 (Chapter 557)

HB 228 Imposing an additional one cent tax on motor fuel and fuel other than motor fuel, and dedicating 95% of the revenue to town and cities.
New title: Imposing an additional one cent tax on motor fuel and fuel other than

- motor fuel, dedicating 95% of the revenue to towns and cities, and re the construction of the Spaulding turnpike extension and making an appropriation therefor.
1516, am & Finance 2437-2448, psd 2762, 2823, H nonconc, conf 2899, remarks 2976-2977, conf SB 2933, 3005, rep adop 3084-3087, 3094, enr am 3177-3178, enr 3250 (Chapter 558)
- HB 229** Amending certain provisions of the statutes re OHRVs.
1442, am 1829-1831, psd 1851, H conc 2289, 2398, enr am 3244-3245, enr 3377 (Chapter 572)
- HB 232** Amending the method of charging boat registration fees; revising the distribution of boat registration fees; requiring the issuance of annual boat number plates and making an appropriation therefor.
1589, Finance 1833, psd 2526, 2579, enr 2965 (Chapter 341)
- HB 233** Re restrictions on the use of landings for aircraft operated for compensation or hire.
255, rcmt 448-449 (Died)
- HB 234** Allowing the holder of motorcycle learner's permit to drive a motorcycle to and from licensing examination.
234, psd 449-450, 465, enr 470 (Chapter 44)
- HB 235** To permit stolen and other property to be restored to rightful owners in advance of trial.
New title: To permit stolen and other property to be restored to rightful owners in advance of trial or appeal.
1111, am 2093-2096, psd 2155, H conc 2399, enr 2829 (Chapter 320)
- HB 236** Re the student trustee in the state university system.
153, psd (RC) 441-442, 464, enr 466, recalled & LT 470, discussion on status 471-482, presidents' ruling 546-547, am & psd 547-550, H conc 573, enr 596 (Chapter 50)
- HB 238** Re the investment powers of savings banks.
234, psd 532-533, 542, enr am 575, 748-749, enr 954 (Chapter 102)
- HB 241** Repealing the requirement to print hydrophobia symptoms on dog licenses.
153, psd 349, 360, enr 408 (Chapter 30)
- HB 242** Restricting the horsepower of motorboats operating upon White Oak pond in Holderness.
407, am 1817-1820, psd 1851, H conc 2289, 2398, enr 2963 (Chapter 342)
- HB 243** Re a hunting accident in which a person is wounded or killed.
575, psd 1884, 1907, enr 2963 (Chapter 343)
- HB 244** Re compensation of deputy registers of probate.

- 1720, am 2111-2112, psd 2156, H nonconc, conf 2394 (Died)
- HB 248** Re firearms in the commission of felonies.
346, LT 1990-1991
- HB 249** Re personnel of certain agencies which receive federal grants-in-aid.
1720, com changed 1739, am 2088-2089, psd 2155, H nonconc, conf 2395 (Died)
- HB 250** Re providing workmen's compensation coverage for certain search and rescue operation volunteers.
1589 (Died)
- HB 251** Re the police standards and training council.
255, rcmt 486 (Died)
- HB 252** Guaranteeing freedom of speech, right of criticism and disclosure for all state employees.
153, psd 438-439, 464, enr 470 (Vetoed)
- HB 255** Re the registration of aircraft or air carriers that are "home based" in New Hampshire.
255, psd 592, 597, enr 751 (Chapter 83)
- HB 257** Establishing a permanent joint legislative committee on elderly affairs.
346, am 2265-2266, psd 2281, H nonconc, conf 2583 (Died)
- HB 258** Restricting the disposal of high level nuclear wastes in the state and within the coastal jurisdiction of the state.
575, LT (3 RC's) 1791-1805, am (RC) 2011-2020, psd 2021, H conc 2289, 2399, enr am 2904-2905, enr 3092 (Vetoed)
- HB 259** Establishing the ladybug as the state insect of New Hampshire
234, psd 545, enr 595 (Chapter 62)
- HB 261** To reimburse the town of Dummer for revenue lost due to the taking of Pontook dam and making an appropriation therefor.
New title: To reimburse the town of Dummer for revenue lost due to the taking of Pontook dam and to provide for payment of claims to Kenneth M. Beck and Rufus W. Bly and making an appropriation therefor.
1516, com changed 1538, am 2104-2105, psd 2156, nonconc H conf req 2396, recon, conc H req, conf 2515-2516, H conc 2846, enr 2852 (Chapter 319)
- HB 263** Re the emergency generator at the state prison.
711, psd 825-826, 883, enr 953 (Chapter 101)
- HB 264** Permitting towns to adopt a code of ethics for town officers.
308, com changed 533-538 (Died)
- HB 266** Re meetings of supervisors of the checklist in cities and towns.

1403, psd 2037, 2082, enr 2963 (Chapter 344)

HB 267 Establishing a Bristol judicial district and a Bristol district court.
468 (Died)

HB 269 Re the suspension and revocation of a person's license or operating privilege.
467, SO 2007, Study 2146-2151

HB 270 Re certain capital improvement appropriations for the aeronautics commission and the water resources board.
New title: Re certain capital improvement appropriations for the aeronautics commission and the water resources board and the adjutant general.
1517, am 2574-2575, psd 2580, H conc 2833, 2868, 2898, enr 3159 (Chapter 493)

HB 271 Re the proper display of the state and national flags.
254, psd 486, 523, enr 544 (Chapter 51)

HB 272 Placing petrochemical plants under the authority of the energy facility evaluation committee.
467, LT 1683-1684

HB 275 Re the membership of the legislative utility consumers' council and expanding the council's jurisdiction.
254, am 827-830, psd 884, H nonconc, conf 1607, new conf 2898-2899, rep adop 3067-3070, enr 3259 (Chapter 592)

HB 277 Legalizing the Gilmore Pond dam in Jaffrey.
467, psd 620-621, 647, enr 751 (Chapter 86)

HB 280 Re ownership of certain unlicensed dogs and the penalty involved for not licensing a dog.
791, SO 1768-1769, 1849, am 2075, psd 2083, H conc 2398, enr 3159 (Chapter 559)

HB 282 Placing a consumer on the commission of pharmacy and practical chemistry.
485, psd 1684-1685, 1718, enr am 2848, enr 2965 (Vetoed)

HB 284 Making the deputy commissioner of safety a group II member of the N.H. retirement system.
New title: Re transfer of classification in the retirement system and making the deputy commissioner of safety a group II member of said system and making an appropriations therefor.
1605, am 2105-2107, psd 2156, H nonconc, conf 2396, rep adop 2975-2976, enr 3159-3160 (Chapter 573)

HB 286 Increasing the number of fish and game commissioners from 10 to 11 by providing for 2 commissioners from Rockingham county.
New title: Re the appointment and qualifications of the fish and game commission and providing for the appointment and removal of the executive director of the fish and game department.

- 649, SO 1764, 1848-1849, am 1980-1988, psd 2021, H conc 2289, 2398, enr am 3160-3161, enr 3250 (Chapter 560)
- HB 287** Re defining limited access highways in regulating OHRVs.
747, K 1629-1630
- HB 288** Re emergency medical technicians.
345, psd 793-794, 820, enr am 954, enr 1640 (Chapter 106)
- HB 290** Re increasing the insurance requirements of motor vehicle drivers' schools.
234, psd 1812-1813, 1850, enr 2080 (Chapter 192)
- HB 291** Making an appropriation to the department of resources and economic development for grants and loans for projects authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965.
711, psd 2526, 2579, enr 2965, veto overridden (RC) 3378-3379 (Chapter 416)
- HB 296** Providing for the amendment of articles of agreement or legislative charter by a mutual savings bank or guaranty savings bank.
309, am 531-532, psd 542, H conc 1606, enr 1790 (Chapter 135)
- HB 297** Limiting the powers and duties of the department of revenue administration to overseeing the collection of state taxes administered by said department.
234, psd 2280, 2282, enr 2963 (Chapter 345)
- HB 299** To provide N.H. home for the elderly classified employees a differential pay increase.
1403, psd 1615, 1639, enr 1791 (Chapter 164)
- HB 300** Permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances.
791, am 2242-2253, psd 2281, recon rej 2282, H conc 2400, enr 3093, veto sustained (RC) 3440-3441
- HB 301** Re timber yield taxes and the bond and debt retirement tax.
791, psd 1933, 1957, enr 2853 (Chapter 260)
- HB 302** To provide for interest on tax refunds for all taxes administered by the department of revenue administration.
1516, Finance 1769-1770, LT 2525, am 2573-2574, psd 2580, H conc 2837, 2868, enr 3160 (Chapter 574)
- HB 303** Re the conversion of certain class VI highways to footpaths or trails.
649, Study 1625-1629
- HB 304** Providing for the establishment of loan fund revolving accounts which meet certain federal requirements.
711, psd 1534-1535, 1541, enr 1641 (Chapter 107)

- HB 305** Reclassifying certain positions at Laconia state school.
1408, psd 1615-1616, 1639, enr am 1721, enr 1855 (Chapter 172)
- HB 306** Requiring that any person submitting an application and plans for construction approval by the water supply and pollution control commission certify that he has met all pertinent requirements.
649 (Died)
- HB 307** Allowing town selectmen to set the beano fee from \$1.00 to \$25.00.
New title: Allowing town selectmen or city councils to set beano license fees.
346, psd 538-539, 543, enr am 576, enr 650 (Chapter 77)
- HB 308** Re the employee discount utilized by electric utilities.
432, psd 1709, 1718, enr 1850 (Chapter 163)
- HB 311** Re notice by the conservation commission to the water resources board on local investigations pending dredge and fill approval.
574, LT 995-996, psd 1468-1469, 1476, enr am 1589, enr 1791 (Vetoed)
- HB 312** Re the commission on human rights.
484 (Died)
- HB 313** Prescribing the manner of posting land and providing a penalty for trespassing on posted land.
1109, am 1883-1884, psd 1907, H conc 2289, 2399, enr 2829 (Chapter 284)
- HB 314** Improving procedures of the medical board for supervising medical claims.
1683, com changed 1717, psd (7 RC's) 2344-2393, enr am 2896-2897, enr 3093 (Chapter 417)
- HB 315** Permitting trustees of trust funds of towns to hire or employ trust departments of banks to assist in the management and investment of trust fund resources.
468, LT 655, 881, psd 1467-1468, 1476, enr am 1789, enr 2022 (Chapter 214)
- HB 316** Re the exemption period for subdivision plat approval.
747, am 2684-2687, recon & am 2775-2776, psd 2823, H nonconc, conf 2839, rep adop 3070-3073, enr 3259 (Chapter 575)
- HB 319** Providing for payment of a claim to David F. Carter and making an appropriation therefor.
309, psd 613, 617, enr 651 (Chapter 74)
- HB 320** Re secured loaning authority of cooperative banks, building and loan associations and savings and loan associations.
484, psd 1455, 1475, enr 1590 (Chapter 112)
- HB 321** Re applications for mortgage loans from cooperative banks, building and loan associations and savings and loan associations.
484, psd 1455-1456, 1475, enr 1590 (Chapter 108)

- HB 322** Re the unsecured loaning authority of cooperative banks, building and loan associations and savings and loan associations.
574, psd 1456, 1475, enr 1590 (Chapter 109)
- HB 323** Re loss of settlement for participation in local work programs.
346, psd 538, 543, enr 595 (Chapter 59)
- HB 324** Re the taking of bobcat and fisher.
468, psd 735-736, 746, enr am 1514-1515, enr 1641 (Chapter 113)
- HB 325** Prohibiting the state from using state funds to issue petitions favoring one side of an issue.
540-541 (Died)
- HB 326** Adopting the provisions of the uniform vehicle code pertaining to the operation of emergency vehicles.
1404, rcmt 1860-1861, am 2040-2041, psd 2082, H conc 2846, enr am 2904, enr 3092 (Chapter 346)
- HB 328** Prohibiting the removal of sand or vegetation from a sand dune and providing a penalty therefor.
New title: Prohibiting the removal of sand or vegetation from sand dunes.
345, am 621-626, psd 648, H nonconc, conf 1538, rep adop 2893-2895, enr 3160 (Chapter 517)
- HB 329** Re the tenure of the poet laureate of New Hampshire.
309, psd 528-530, 542, enr 596 (Chapter 60)
- HB 330** Re the reclassification of certain highways in the town of Ossipee.
406, psd 614-615, 617, enr 651 (Chapter 73)
- HB 331** Providing for the disposal of septic tank material.
712, psd 1873-1874, 1906, enr 2830 (Chapter 318)
- HB 332** Requiring records re meals and rooms tax to be kept by each operator for a 3 year period.
406, am 522, psd 523, enr am 1904-1905, enr 2022 (Chapter 233)
- HB 333** Providing a penalty for operating a restaurant or hotel after suspension of license for failure to pay meals and rooms taxes.
406, LT 593, remarks by Lamontagne 1474, psd 2078, 2083, enr 2963 (Chapter 347)
- HB 338** Re fiscal year taxpayers.
407, psd 616, 617, enr 751 (Chapter 85)
- HB 340** Abolishing the police commission in Claremont.
541, psd 792, 820, enr 953 (Chapter 97)
- HB 342** Re deputy conservation officers.

- 1478, psd 1737, 1748, enr 2853 (Chapter 255)
- HB 343** Re absentee voting.
1402, psd 2296-2300, 2343, enr 2963 (Chapter 418)
- HB 345** Re the appointment of assistant secretaries of state.
1404, psd 1750-1751, 1787, enr 2080 (Chapter 210)
- HB 347** Re the maximum time period for the amortization of loans.
484, psd 1456-1458, 1475, enr 1589 (Chapter 114)
- HB 348** Re the eligibility of jurors to serve again.
484, psd 1561, 1591, enr 1790 (Chapter 147)
- HB 349** Eliminating an obsolete term in the statutes regarding motor vehicles.
747, rcmt 1634 (Died)
- HB 352** Re the recording of agreements resolving boundary disputes in those registries recording on microfilm.
484, psd 1991, 2021, enr 2830 (Chapter 283)
- HB 353** Changing the town charter of Hanover to make sewer rentals the only method of payment for sewage disposal expense.
748, psd 1874, 1906, enr 2961 (Chapter 348)
- HB 355** Regulating health maintenance organizations.
1405, psd 1687-1688, 1718, enr am 2832-2833, H conc 2846, enr 2852 (Chapter 282)
- HB 356** To Reclassify certain sections of highways in the town of Merrimack; to provide town authorization to appropriate town funds for their improvement, and for the construction of a new interchange and collector roadways on the central New Hampshire turnpike in the town of Merrimack and the relocation of the toll plaza and making an appropriation therefor.
1716-1717, Finance (RC) 2417-2437 (Died)
- HB 359** Permitting any person 16 years of age or over to be prosecuted as an adult for a violation of any fishing law.
574, K 1884-1885
- HB 360** Re the training of hunting dogs.
432, psd 734, 746, enr 1254 (Chapter 94)
- HB 361** Re the penalty provisions for violations of statutes and rules pertaining to aeronautics.
484, am 862-864, psd 884, H conc 1606, enr 1790 (Chapter 146)
- HB 362** Authorizing the use of highway funds for the functional replacement of land and improvements required for highway purposes.
406, psd 615, 617, enr 751 (Chapter 81)

- HB 363** Re the notices required for the layout of class I and II highways.
406, psd 631, 648, enr 751 (Chapter 80)
- HB 365** Requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor.
New title: Requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor and re the licensing of accountants.
1478, LT 2186-2188, am 2800-2807, psd 2823, H conc 2833, enr rep LT 2862-2863, enr 3000, (H recalled) conc H am 3156, 3249 (Vetoed)
- HB 366** Requiring results of third (sic) reading votes be included as part of questions proposing constitutional amendments.
791, psd 1701-1702, 1718, enr am 1959, enr 2831 (H recalled) conc H am 3155, enr 3249 (Chapter 520)
- HB 367** Re filing requirements and late payment penalties of the business profits tax.
407, K 593-594
- HB 369** An act extending certain capital appropriations.
intro & discussion 388-390, am & psd 408-414, enr 470, H conc 483 (Chapter 38)
- HB 370** Re salaries of full-time justices of district courts.
485, psd 1556-1560, 1591, recalled & LT 2074, am 2743-2744, psd 2822, H conc 2837, 2869, enr 3160 (Chapter 521)
- HB 371** Re the use of highway relocation funds.
1407, psd 1820, 1851, enr 2080 (Chapter 186)
- HB 372** Re authority of Franklin Pierce College and the Franklin Pierce Law Center to confer degrees.
575, psd 619-620, enr 650 (Chapter 66)
- HB 373** Re state maintenance of the road leading to the Bedell covered bridge.
406, psd 632, 648, enr 651 (Chapter 68)
- HB 374** Increasing certification fees for psychologists, and removing the requirement of citizenship.
711, psd 2071, recon rej 2072-2073, psd 2083, enr 3160 (Chapter 522)
- HB 375** Re the merger of the American College of Life Underwriters with the American College.
467, psd 579, 596, enr 751 (Chapter 88)
- HB 377** Re state aid for area vocational students.
345, psd 611-612, 617, enr 651 (Chapter 70)
- HB 381** Re the unfair sales act.

New title: Repealing the unfair sales act.

485, am 1763-1764, psd 1787, H conc 2289, 2399, enr 2831 (Chapter 245)

HB 382 Re the jurisdiction of district courts in criminal matters.

748, am 1675-1676, psd 1681, H conc 2289, 2399, enr 2829 (Chapter 281)

HB 384 To reclassify a certain section of highway in the town of North Hampton.

1517, psd 1832, 1851, enr 2022 (Chapter 225)

HB 386 Re liens on vessels, boats and vessel or boat motors.

574, psd 2098, 2155, enr am 2865-2866, enr 3093 (Chapter 349)

HB 387 Establishing the police standards and training council training fund to consist of penalty assessments imposed in certain criminal cases.

1717, LT 2024-2025, psd 2807-2808, 2823-2824, enr 3160 (Chapter 523)

HB 388 Re the monthly rate for the care, treatment, maintenance and training of any resident of the Laconia state school and training center.

1403, psd 1697-1698, 1718, enr 1850 (Chapter 151)

HB 390 Re the selection of delegates to national presidential nominating conventions.

1402, psd (RC) 2659-2665, 2822, enr 3160 (Chapter 524)

HB 394 Re the use of funds of credit unions.

484, psd 1458, 1475, enr 1589 (Chapter 115)

HB 395 Re retirement accounts for credit unions.

484, psd 1458, 1475, enr 1589 (Chapter 116)

HB 398 Imposing fines on zoning violators.

748, psd 1875-1876, 1906, enr 2961 (Chapter 350)

HB 400 Re the place and time of detention of arrestees.

484, LT 1669-1675

HB 406 Authorizing license and permit for restaurants in Landaff.

599, psd 1504-1507, 1513, enr 1640 (Chapter 132)

HB 408 Authorizing savings banks to lend investment securities.

New title: Authorizing savings banks to lend investment securities and to make prudent investments otherwise prohibited by certain sections of RSA 387.

712, SO 1653-1655, am 1708-1709, psd 1718, H conc 2397, enr 2853-2854 (Chapter 317)

HB 409 Changing the name of RSA 483-A and specifying that certain penalties re state waters apply to all violators.

1407, psd 2177, 2281, enr 2961 (Chapter 419)

HB 410 Re the competency of persons applying for a hunting license for the first

time.

1406, Finance 1739, psd 2527, 2579, enr 2965 (Chapter 420)

HB 415 Re penalties if found intoxicated while hunting and re implied consent.
574, am 1916-1922, psd 1957, recon rej 1958, enr am 2290-2291, enr 2845 (Chapter 316)

HB 419 Specifying procedures for the sale and fitting of hearing aids and requiring the registration of hearing aid dealers.
1720, am 2253-2256, psd 2281, H nonconc, conf 2581, rep adop 2977-2987, 3094, enr am 3212-3214, enr 3259-3260, veto overridden (2 RC's) 3441-3442 (Chapter 601)

HR 420 Re tax exemptions for the elderly.
1408 (Died)

HB 423 Re penalties for filing a late return under the business profits tax.
467, rcmt 763-770 (Died)

HB 425 Making a special appropriation for moving the department of safety from the John O. Morton building and other locations to the James H. Hayes safety building.
470, psd 515-518, 523, enr 544-545 (Chapter 48)

HB 426 Revising the state tax on dog racing.
1478, psd 1745-1746, 1748, enr 1850 (Chapter 134)

HB 427 Revising the law re lobbyists.
1517 (Died)

HB 428 Requiring enclosed malls to provide public rest rooms.
917 (Died)

HB 430 Authorizing dealers to issue temporary plates for twenty days.
574, psd 864, 884, enr 953 (Chapter 98)

HB 433 To create and provide police powers for the security forces at certain state institutions.
1683, Finance 1991-1992, am 2548-2549, psd 2579, H nonconc, conf 2838, rep adop 2951-2954, 3156, enr am 3210-3212, enr 3260 (Vetoed)

HB 434 Re certification of shared homes for adults.
1403, rcmt 1621 (Died)

HB 435 Lowering the age at which the minimum hourly wage applies.
485, K (RC) 722-731

HB 436 Revising the state tax on harness racing.
1478, psd 1746-1747, 1748, enr am 1811-1812, enr 1908 (Chapter 176)

HB 437 Re the payment of assistants and employees of the state racing commission.

1477, psd 1933-1934, 1957, enr 2290 (Chapter 235)

HB 439 Authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A re oil spillage in public waters and making an appropriation therefor.

1517, am & Finance 2168-2170, am & S Ct opin req 2693-2695, (SR 10)2880-2881, psd (RC) 3443-3444, H conc, enr am, enr 3453-3454 (Vetoed)

HB 441 Re changing the season on otter, mink, and muskrat.

599, psd 945-946, 949, enr 1590 (Chapter 117)

HB 442 Re the commission and tax on running and harness horse races.

New title: Re the commission and tax on running and harness horse races and re the sire stakes program.

541, Finance 770-775, am (RC) 865-881, psd 884, remarks 886-888, H conc, enr 1254 (Chapter 93)

HB 445 Re the penalty of a non-resident salt water fishing without a license.

790, psd 1625, 1639, enr 1791 (Chapter 171)

HB 446 Re appeals from decisions of the racing commission and the greyhound racing commission.

574, K 941

HB 448 Re retirement benefits for judicial referees.

1407, psd 1992-1999, 2021, enr 2830 (Chapter 280)

HB 451 Re the authority of the commissioner of revenue administration to collect the business profits tax.

712, psd 1517-1518, 1541, enr 1641 (Chapter 118)

HB 452 Re the operation of state liquor stores on Sundays and making an appropriation therefor.

1749 (Died)

HB 453 Re serial notes issued by the town of Bedford.

186, psd 193-195, 196-197, enr 232 (Chapter 4)

HB 454 Re the appointment of a health officer for a town.

346 (Died)

HB 455 Providing for a special decal on motor vehicle number plates for a person with a walking disability.

New title: Re a special decal on motor vehicle number plates for a person with a walking disability.

1516, LT 2305, am 2746-2747, psd 2822, H nonconc, conf 2838-2839, rep adop 2900-2901, enr 3260 (Chapter 525)

HB 456 Providing for the preparation of an election procedure manual and making an

appropriation therefor.

1403, com changed 1477, Finance 2034, psd 2524, 2579, enr am 2910, enr 3160 (Chapter 526)

HB 457 Redefining the term "motor truck" in the motor vehicle laws.

825, LT 2280, am 2414-2416, psd 2494, H nonconc, conf 2584, rep adop 3073, enr 3260 (Chapter 527)

HB 459 Re septic tank information for property buyers.

649, psd 1874, 1906, enr am 2866, enr 3093 (Chapter 351)

HB 460 Amending the formula for computing the elderly real estate tax exemption and providing for local option of the expanded elderly real estate tax exemption based on assessed value.

New title: Amending the formula for computing the elderly and expanded elderly real estate tax exemptions and providing additional notice of available tax relief.

712, am 2453-2457, psd 2494, H nonconc, conf 2842, rep adop 2900, enr am 3257-3258, enr 3377 (Chapter 576)

HB 464 Re the loaning authority of cooperative banks, building and loan associations and savings and loan associations.

649, psd 1653, 1681, enr 1791 (Chapter 155)

HB 463 Increasing the amount of the homestead right.

951, LT 1510-1512

HB 465 Redefining the term "emergency vehicles" in the motor vehicle laws.

747, psd 1634, 1639, enr 1791 (Chapter 150)

HB 467 Re charging manner of death.

574, psd 1893, 1907, enr 2830 (Chapter 315)

HB 468 Opening Christine Lake in the town of Stark to ice fishing.

574, psd 819, 820, enr 953 (Chapter 100)

HB 469 Increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 19 years.

New title: Increasing the minimum age for purchase, sale and consumption of alcoholic beverages off-premises.

1716, am (RC) 2227-2239, psd 2281, H nonconc, conf 2583, rep adop 2913-2915, enr 3249-3250 (Vetoed)

HB 471 Re the tobacco tax.

712, psd 1770-1771, 1787, enr 2080 (Chapter 200)

HB 472 Re the regulation of small loans.

824, psd 1653, 1681, enr 1791 (Chapter 170)

HB 474 Permitting persons awaiting trial in superior court to work in a jail or house of

correction.

599, psd 1561-1562, 1591, enr 1790 (Chapter 141)

HB 475 Providing for payment of a claim to Charles R. Sargent of Laconia and making an appropriation therefor.

New title: Providing for payment of a claim to Charles R. Sargent of Laconia and making an appropriation therefor and re the payment of small claims by the department of public works and highways.

407, am 627-629, psd 648, H conc 1606, enr am 1905-1906, enr 2022 (Chapter 227)

HB 478 Re the governor issuing a certificate of election.

1402, psd 2030-2032, 2082, enr 2961 (Chapter 352)

HB 479 Re disability retirement benefits under the New Hampshire retirement system.

1605, psd 2102-2103, 2156, enr 2961 (Chapter 421)

HB 481 Amending the charters of certain savings banks.

791, am 1855-1858, psd 1906, H nonconc, conf 2580-2581, 2838, new conf (RC) 3005-3018, rep rej (H) 3095

HB 487 Re the publication of the Revised Statutes Annotated.

1682, psd 2039-2040, 2082, enr 2830 (Chapter 325)

HB 494 Establishing a staggered registration system for motor vehicles and changing registration and municipal permit fees.

1589, psd 1833, 1851, enr 2854 (Chapter 314)

HB 495 Re a charge for checks returned to a city or town as uncollectible.

825, psd 1510, 1514, enr 1640 (Chapter 119)

HB 497 Re the distribution of dog license fees and making an appropriation therefor.

1516, LT 1740-1741, Finance 2078, psd 2524, 2579, enr 3093 (Chapter 353)

HB 498 Re the state's burden of proof in recommittal hearings for the criminally insane.

1407, psd 1988-1989, 2021, recalled & LT 2074, am 2078-2079, psd 2083, H conc 2084, enr 2159 (Chapter 180)

HB 502 Making an appropriation for construction of a facility for the criminally insane on the grounds of the New Hampshire hospital.

1720, LT 2574, am (RC) 2764-2773, psd 2823, H ret'd nongermane am, S nonconc 2936-2938

HB 505 Re parking facilities at Hampton Beach and making an appropriation therefor.

1401, Finance 1737-1739, psd 2101, 2155, enr 2961 (Chapter 422)

HB 513 Creating an office of youth services and an advisory commission on youth

and making an appropriation therefor.
1720, LT 2195, Study (RC) 2808-2809

HB 515 Establishing a study committee to investigate costs and methods necessary to update the record-keeping functions in the office of secretary of state.
1404, am 1784-1785, psd 1788, H nonconc, conf 2284, rep adop 2957-2958, enr 3160 (Chapter 577)

HB 517 Providing for the acquisition of a tract of land to be known as the Pine River state forest and making an appropriation therefor.
1478, Finance 1735-1737, psd 2102, 2155, enr 2961 (Chapter 447)

HB 518 Re retirement benefits for teachers who retired prior to 1957 and re retirement credit for William J. Byrne and making an appropriation therefor.
1605, am 2527-2529, psd 2579, H nonconc, conf 2843, rep adop 2973, enr 3158 (Chapter 578)

HB 522 Increasing the fee for initial number plates from \$5 to \$10 and requiring that initial plates be issued each year.
1406, LT 1820-1821, 2020

HB 523 Authorizing payment to Merrimack county for services rendered and making an appropriation therefor.
1720, am 2575-2578, psd 2580, H nonconc, conf 2838, rep adop 2915-2916, enr 3158 (Chapter 579)

HB 525 Authorizing a transfer of funds between two projects in the 1975 capital budget.
1401, psd 1608, 1639, enr 1790 (Chapter 136)

HB 529 Re reimbursing victims of violent crimes and making an appropriation therefor.
New title: Re reimbursing victims of violent crimes.
1401, am & Finance 1900-1902, am 2698-2699, psd 2822, H nonconc, conf 2840, rep adop 2945, enr am 3161-3162, enr 3250 (Vetoed)

HB 536 Re the business profits tax rate, deductions and method of distribution.
1720, am (RC) 2476-2486, psd 2494, H nonconc, conf 2842, nonconc conf rep, new conf (RC) 3136-3153, 3171, rep adop (RC) 3260-3267, enr 3377 (Chapter 593)

HB 537 Re licensing pet shops and certain animal shelters.
1588, psd 1967-1968, 2021, enr am 3217, enr 3336 (Chapter 580)

HB 541 Establishing a Livermore Falls Gorge study commission and making an appropriation therefor.
1517, psd 1734-1735, 1748, enr 1908 (Chapter 174)

HB 542 Re a state-wide solid waste management program.
1516, am & Finance 2179, psd 2698, 2822, H conc 2881, enr am 3247, enr 3377

(Chapter 581)

HB 543 Re mining and the reclamation of mined lands and making an appropriation therefor.

1605, psd 2177-2178, 2281, recon rej 2282, enr am 3153-3154, enr 3240, veto sustained (RC) 3443

HB 546 Re detective and security agencies.

1682, psd 2159, 2280, enr 3158 (Chapter 582)

HB 550 Re agreement with veterinary medical schools to provide education to qualified New Hampshire residents.

1406, Finance 1762-1763, psd 2524-2525, 2579, enr 2965 (Chapter 423)

HB 551 Re strengthening the powers of the collection division of the department of revenue administration.

790, K 1760-1761

HB 553 Re search and rescue operations; establishing a search and rescue review board and making an appropriation therefor.

1682, am 2517-2518, psd 2578-2579, H conc 2833, 2868, enr 3158 (Vetoed)

HB 555 Creating a state historical records advisory board and making an appropriation therefor.

New title: Creating a state historical records advisory board.

1406, psd 1686-1687, 1718, enr am 1905, enr 2831 (Chapter 243)

HB 556 Authorizing certain stores to sell table wine.

1605, Study (RC) 2486-2493, recon rej 2578

HB 559 Re the reorganization of the New Hampshire transportation authority.

New title: Re the reorganization of the New Hampshire transportation authority and prohibiting the removal of railroad track related structures.

1682, am & Finance 2267-2275, am 2563-2564, psd 2580, H nonconc, conf 2843, rep adop 2954-2957, enr am 3215, enr 3260 (Vetoed)

HB 565 Providing for payment of a claim to Barbara Cyr and making an appropriation therefor.

574, psd 754, 785, enr 791 (Chapter 91)

HB 567 Re the New Hampshire retirement system cost of living increases.

psd 2699-2700, 2822, intro (correction) 2855, enr am 3042, enr 3240 (Chapter 583)

HB 569 Amending the charter of Coe-Brown Northwood academy.

New title: Amending the charter of Coe-Brown Northwood Academy.

484, am 826-827, psd 884, H conc 1606, enr 1790 (Chapter 137)

HB 572 Re the custody of moneys raised for or received by various agencies of municipal government and the timely deposit of funds paid to town treasurer.

1408, Study 1969

HB 573 Providing for the acquisition of a certain dam and water rights by the water resources board and making an appropriation therefor.

New title: Providing for the acquisition of certain dams and water rights by the water resources board and making an appropriation therefor.

1717, Finance 2127-2128, am 2695-2698, psd 2822, H nonconc, conf 2897, rep adop 3019-3021, enr 3158 (Chapter 584)

HB 575 Increasing the appropriation from \$6,000 to \$10,000 for a continuing boat tax fund administered by the department of revenue administration.

New title: Increasing the appropriation from \$6,000 to \$10,000 for a continuing boat tax fund administered by the department of revenue administration; and re the inspection of rental boats.

1516, Finance 1739-1740, am 2516-2517, psd 2578, H conc 2833, 2868, enr 3159 (Chapter 585)

HB 579 Amending the interest and dividends tax re the rate, method of distribution, and number of exemptions for the elderly or blind.

1717, am 2460-2465, psd 2494, H conc 2837, 2868, enr 3159 (Chapter 561)

HB 582 Providing for additional state revenue.

1683, am (RC) 2465-2476, psd 2494, recon rej (RC) 2756-2761, H conc 2868, enr 3093 (Chapter 330)

HB 584 Imposing a tax on capital gains.

intro failed (RC) 3336

HB 586 To provide for the licensing and regulation of plumbers and making an appropriation therefor.

1588, LT 2159-2161, 2293-2294, am & LT 2747-2753, am 2809-2811, psd 2824, H conc 2833, enr 3250 (Chapter 562)

HB 590 Re a return transfer of funds from the division of welfare to the division of mental health.

1588, am 2448-2449, psd 2494, H nonconc, conf 2837, rep adop 2892-2893, enr 3159 (Chapter 586)

HB 591 Providing for the restructuring of the Hooksett liquor stores and making an appropriation therefor and repealing the authorization for an addition to the Concord store.

1517, com changed 1750, K 2574

HB 592 Re the fee for obtaining a license to use radioactive materials and creating the position of radiation specialist and making an appropriation therefor.

1516 (Died)

HB 593 Permitting a licensee or a holder of an "on sale" permit to sell at another location under certain conditions.

791, SO 1507-1508, Study 1642-1644

HB 596 Amending the real estate transfer tax.

1589, com changed 2151, am 2518-2523, psd 2579, H nonconc, conf 2846, rep adop 2891-2892, enr 3159 (Chapter 495)

HB 597 Re the application and expenditure of federal funds and making an appropriation therefor.

1110, 1682, am 2552-2563, psd 2580, H nonconc, conf 2840, rep adop 2970-2971, enr 3159 (Vetoed)

HB 600 Re importation of dogs and cats into the state and the sale of same.

1717, am & rcmt 1962-1967, Study 2692-2693

HB 601 Providing cost of living increases for all members of the N.H. retirement systems.

New title: Providing cost of living increases for all members of the N.H. retirement system and re the state share of the normal contribution for non-state employee members of the N.H. retirement system, the firemen's retirement system and the policemen's retirement system.

1605, am 2530-2539, psd 2579, H nonconc, conf 2844, rep adop 2973-2975, 3094, enr am 3179-3180, enr 3250 (Chapter 528)

HB 602 Establishing an office of health planning and development and making an appropriation therefor.

1515 (Died)

HB 603 Establishing procedures to review developments of regional impact.

1516 (Died)

HB 605 To provide a special liquor and beverage license for race tracks.

791, SO 1752-1754, psd 1925, 1957, enr 2830 (Chapter 313)

HB 608 Re the responsibilities and reorganization of the division of mental health and making an appropriation therefor.

1588, am 2539-2548, psd 2579, H nonconc, conf 2837-2838 (H Study)

HB 609 Establishing public guardian offices.

New title: Establishing public guardian officers and re professional guardians.

1720, am 2307-2311, psd 2344, H nonconc, conf 2582, rep adop 2885, 3094, enr 3250 (Vetoed)

HB 613 Re investments by savings banks in unsecured loans.

712, psd 1655, 1681, enr am 1958-1959, enr 2831 (Chapter 244)

HB 615 Re interest charges charged upon all taxes other than resident taxes not paid on time.

1405, psd 2026, 2082, enr 2961 (Chapter 354)

HB 616 Increasing certain fees charged by state agencies.

1638, am 2457-2460, psd 2494, H nonconc, conf 2841-2842, rep adop 2940-2945, enr

- am LT 3244, enr am 3252-3256, enr 3377 (Chapter 563)
- HB 620** Re contributions in the unemployment compensation law.
1404, rcmt 1873, am 2219, psd 2281, H conc 2400, enr 2962 (Chapter 424)
- HB 621** Re the placement of children in licensed facilities.
1110, psd 1698, 1718, enr 2023 (Chapter 181)
- HB 622** Re the responsibility for public medical assistance.
918, psd 2724-2725, 2823, enr 2965 (Chapter 355)
- HB 623** Re reporting of collateral resources by a welfare recipient and persons liable for support of a dependent child or of a welfare recipient.
952-953, psd 1621, 1639, enr 1791 (Chapter 165)
- HB 625** Re motorboat noise level detectors.
649, psd 1629, 1639, enr 1790 (Chapter 140)
- HB 627** Prohibiting certain advertising and expenditures by electric and gas utilities.
1407, am (RC) 1934-1941, psd 1957, H conc 2584; 2846, enr 2965, (H recalled) conc H am 3155-3156, enr 3250 (Vetoed)
- HB 629** Altering gross weight and axle distribution limits for 5 axle trucks; providing for an increase in registration fees; and limiting vehicle loads to the rated capacity as determined by the manufacturer.
1401, am (RC) 1821-1828, psd 1851, H conc 2289, 2398, enr am 3243, enr 3377 (Chapter 487)
- HB 640** Re the regulation of physical therapists.
1682, am 2256-2259, psd 2281, recon notice 2400, H conc 2881, enr 3159 (Chapter 496)
- HB 643** Re the qualifications for licensing of chiropractors.
953, SO 1743, LT 1870-1873, Study (RC) 2734-2737
- HB 644** Re the definition of subdivision under the planning laws.
1404, psd 1970, 2021, enr 2830 (Chapter 312)
- HB 647** Repealing the penalty for neglecting children.
824, psd 1560, 1591, enr 1641 (Chapter 120)
- HB 648** Clarifying certain penalty provisions in the uniform motor vehicle certificate of title and Anti-Theft Act. (RSA 269-A).
825, psd 1632, 1639, enr 1855 (Chapter 166)
- HB 649** Re prostitution and related offenses.
599, psd 1731, 1748, enr 2854 (Chapter 311)
- HB 652** Re the sealing and certifying of ballots.

1403, am 2136-2138, psd 2156, H conc 2859, 2869, enr 3159 (Chapter 497)

HB 653 Imposing a deadline for the adoption of a county budget and requiring the signatures of the chairman and clerk of the county convention for filing the adopted budget.

1109, psd 1610, 1639, enr 1791 (Chapter 162)

HB 659 Requiring a minimum of 2 years residency before applying for free hunting or fishing licenses, or both.

747, LT 1624, am 1632-1633, psd 1639, H nonconc, conf 1903, rep adop 2901-2902, enr 3159 (Chapter 498)

HB 662 Amending the methods of giving proof of financial responsibility.

824, psd 2098-2099, 2155, enr 2965 (Chapter 425)

HB 667 Regulating recreational campgrounds.

748, psd 1624-1625, 1639, enr 2023 (Vetoed)

HB 668 Authorizing the university system of New Hampshire to acquire fire, theft, and casualty insurance.

711, psd 1030, 1079, enr 1589 (Chapter 121)

HB 670 Re counting ballots at elections.

New title: Re counting ballots at elections and disqualifying certain election officials from working at polling places.

1402, am 2337-2340, psd 2344, H conc 2859, 2869, enr am 3162, enr 3250-3251 (Chapter 518)

HB 671 Re contracts between the state and the 4-H Foundation of New Hampshire, Incorporated concerning facilities at Bear Brook state park.

649, psd 946-947, 949, enr 1589-1590 (Chapter 122)

HB 673 Amending the conservation commission enabling act by increasing the commission's responsibilities.

791, K 2163-2164

HB 674 Re conferences of probate judges.

1682, Study 2007

HB 675 Re the definition of "minor" in the RSA chapter concerning exposing a minor to harmful materials.

712, psd 1562, 1591, enr 1641 (Chapter 123)

HB 676 Re the burden of proof in hearings on prejudgment attachment.

New title: Re prejudgment attachments.

712, am 2315-2317, psd 2344, H nonconc, conf 2583, rep adop 2884-2885, 3093, enr 3240 (Chapter 519)

HB 678 Re the sale of property in settling estates.

712, psd 1999-2000, 2021, enr 2852 (Chapter 310)

HB 679 Re the fees for licensing dogs and dog keepers or breeders and requiring a health certificate on dogs sold by breeders and providing a late fee for failure to procure a license prior to June 1.

791, SO 1764-1768, 1849, am 2064-2071, psd 2083, H conc 2398, enr 2962 (Chapter 356)

HB 680 Re the replacement and road repair of a certain bridge between Walpole, N.H. and Bellows Falls, Vermont.

1682, Finance 2099, psd 2523-2524, 2579, enr 2965 (Chapter 357)

HB 681 Re the disposition of municipal records.

1110, am 1614-1615, psd 1639, enr am 2858, enr 2965 (Chapter 358)

HB 682 Re the motor vehicle collections by town clerk or other municipal official and providing for the removal of a town clerk for cause.

1405, psd 1726-1727, 1748, enr 2852 (Chapter 322)

HB 684 An act providing for the regulation of business takeovers.

intro & psd (RC) 455-464, 465, enr 466 (Chapter 20)

HB 686 Re the duties of persons involved with vital statistics.

1110, psd 2162, 2281, recon notice 2400, recon & am 2405-2406, psd 2494, H non-conc, conf 2581-2582, rep adop 2995, enr 3159 (Chapter 529)

HB 687 Amending certain statutes re vital statistics.

1110, LT 1751-1752, psd 1784, 1788, enr 3250 (Chapter 530)

HB 688 Re trust company director's stock holdings.

1110, psd 1721-1722, 1747, enr 2080 (Chapter 197)

HB 689 Re town funds on deposit in any one bank.

918, psd 1652-1653, 1681, enr 1791 (Chapter 139)

HB 690 Revising RSA 483-A re dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, sets forth a filing fee, repealing RSA 431 re swamplands; and modifying the composition of wetlands boards.

1716, LT 2166-2168, Study (RC) 2259-2264, recon notice 2400

HB 691 Re a program for special education.

712, am 1702-1706, psd 1718, H conc 2084, enr 2830 (Chapter 359)

HB 695 Naming the Robert H. Whitaker highway.

712, psd 1630, 1639, enr 1790 (Chapter 142)

HB 696 Eliminating the requirement of advertising of a lost passbook.

New title: Eliminating the requirement of advertising lost passbooks and regulating

the assignment of savings deposits.

952, am 1650-1652, psd 1681, H conc 2400, 2831, enr 2962 (Chapter 360)

HB 700 Extending the time a real estate salesman may not be associated with a broker without losing his license.

952, psd 2162-2163, 2281, enr 2962 (Chapter 426)

HB 702 Re vicious dogs or dogs as a nuisance.

1406, psd 1685-1686, 1718, enr 2022 (Chapter 222)

HB 703 Establishing a dog control law.

New title: Establishing a standard dog control law if adopted by a city or town.

825, SO 1768-1769, 1849, LT 2075, am 2152-2154, psd 2156, H conc 2400, enr 2962 (Chapter 379)

HB 710 Re the payment of legal fees in appeals against the department of employment security.

953 (Died)

HB 711 Eliminating the requirement that town clerks send reports to certain state societies.

1111, psd 1728, 1748, enr 2023 (Chapter 220)

HB 713 Amending the title of RSA 126.

747, psd 1512, 1514, enr 1640 (Chapter 124)

HB 714 Amending article 8 of the uniform commercial code re the duty of an issuer to inquire into adverse claims.

952, psd 1641-1642, 1680, enr 1791 (Chapter 138)

HB 717 Re loan pay-back requirements for resident veterinary medical students.

1406, psd 1729, 1748, enr 2023 (Chapter 215)

HB 718 Re the permitted width of buses on state highways.

825, psd 1634-1637, 1640, enr 1790 (Chapter 153)

HB 720 Increasing the penalty for operating an off highway recreational vehicle on a railroad right-of-way, airport runways and cemeteries.

825, psd 1623-1624, 1639, enr 1790 (Chapter 161)

HB 722 Amending the charter of the union school district of Keene to provide that the trustee of trust funds be appointed by the school board.

649, psd 1761, 1787, enr 2852 (Chapter 309)

HB 723 Eliminating the requirement for the residence of a candidate on the ballot.

1402, K 2061, recon notice 2084, recon rej 2817-2820

HB 724 Prohibiting the posting of election advertising on highway rights-of-way.

1402, psd 2028-2029, 2082, enr 2965 (Chapter 427)

- HB 725** Removing the requirement for filing financial statements with town or city clerks.
1402, psd 2028, 2082, enr 2965 (Chapter 428)
- HB 726** Re local approval for the development of any public airport.
1442, psd 1968, 2021, enr am 2849-2850, enr 2965 (Chapter 429)
- HB 728** Permitting a creditor to telephone a debtor at his place of employment twice a month under certain conditions.
1403-1404 (Died)
- HB 732** Eliminating the permits and licenses issued for up to 4 consecutive months per licensing year.
824 (Died)
- HB 734** Re taxing radio and television towers.
1110 (Died)
- HB 739** Re control of explosives.
1682, am 2329-2333, psd 2344, H conc 2400, enr 3092 (Chapter 361)
- HB 740** Re the use of emergency lights.
824, psd 1637, 1640, enr am 1720-1721, enr 1855 (Chapter 149)
- HB 741** Establishing a study committee to determine financial methods and requirements for the decommissioning of nuclear power facilities.
1401, am 1913-1915, psd 1957, H nonconc, conf 2284, rep adop 2889-2890, 3093, enr 3240 (Vetoed)
- HB 746** To eliminate discrimination against non-citizens in the granting of liquor licenses, selling or delivering of liquor or any other occupation, profession or business activity.
712, IP (RC) 1771-1778, recon, Study (RC) 1886-1891
- HB 748** To implement the uniform marriage recognition law.
951, K 1885-1886
- HB 750** Permitting the appointment of an assistant county attorney for the county of Rockingham.
791, am 1922-1924, psd 1957, H nonconc, conf 2282-2283, rep adop 2994-2995, enr am 3214-3215, enr 3260 (Chapter 531)
- HB 751** Re the release of inmates at county houses of correction for the purpose of gainful employment.
917, am & LT 1676-1680
- HB 752** Re the time limit for reporting divorces to the bureau of vital statistics.
951, psd 1892, 1907, enr 2830 (Chapter 279)

- HB 754** Granting authority to the commissioner of health and welfare to appoint acting directors of the divisions of the department.
747, am 1694-1695, psd 1718, H conc 2397, enr 2852-2853 (Chapter 273)
- HB 755** Re the marking of ballots in elections held in the state.
1402, K 2037-2038
- HB 756** Re acceptance of petitions by the planning board.
New title: Re filling certain vacancies in the membership of a planning board, permitting any elected planning board to appoint 3 alternates, and the acceptance of petitions by planning boards.
953, am 1690-1694, psd 1718, H nonconc, conf 2283, new conf 2887, rep adop 3075-3077, 3157, enr am 3178-3179, enr 3251 (Chapter 532)
- HB 757** Re the designation of office on ballots.
1403, am 2139-2142, psd 2156, H nonconc, conf 2869 (Died)
- HB 760** Authorizing the trustees of the N.H. retirement system to delegate the power to make investment decisions.
New title: Re the management of funds and authorizing the trustees of the N.H. retirement system to delegate the power to make investment decisions.
747, am 1782-1784, psd 1788, H nonconc, conf 2283, rep adop 2888-2889, 3093-3094, enr 3240 (Chapter 533)
- HB 761** Re the destruction of certain papers in the department of labor.
790, psd 1508, 1514, enr 1641 (Chapter 125)
- HB 762** Prohibiting the towing of certain vehicles.
824, psd 1633-1634, 1639, enr 1790 (Chapter 167)
- HB 764** Expanding the penalty provisions re an overloaded vehicle.
824, LT 2279-2280, am 2416-2417, psd 2494, H nonconc, conf 2584, rep adop 2949-2951, enr 3160 (Vetoed)
- HB 769** Establishing primary elections for the cities of Laconia and Somersworth.
1402, psd 2295-2296, 2343-2344, enr 2962 (Chapter 448)
- HB 772** Prohibiting candidates for any elective position other than a position as an election official, from working within a polling place.
1402, psd 2295-2296, 2343-2244, enr 2962 (Chapter 448)
- HB 776** Re the definition of a person beneficially interested in an account filed in probate court.
1111, LT 1730-1731, psd 3390, enr 3392 (Chapter 597)
- HB 777** Re unfair, deceptive or unreasonable collection practices.
1111, psd 2000-2005, 2021, enr 2830 (Chapter 308)
- HB 778** Reducing the debt limit of the city of Nashua.

- 953, discharge rej (RC) 2821-2822 (Died)
- HB 779** Re guardianship of residents of Laconia state school.
New title: Re guardianship of children and incompetent persons placed in a residential setting at Laconia state school or elsewhere.
824, am 2305-2307, psd 2344, H nonconc, conf 2582, rep adop 3073-3075, enr am 3258, enr 3377 (Chapter 587)
- HB 780** Re certifications required of town and city officials on reports and assurances to state agencies.
917, psd 1723, 1747, enr 2854 (Chapter 278)
- HB 781** To require notice of application for, or modification of, general assistance to be given to the municipality of settlement.
953, psd 1612-1614, 1639, enr 1791 (Chapter 152)
- HB 782** Re effective dates for laws which have a municipal fiscal impact.
1404, LT 1977-1979, am 2079-2080, psd 2083, H conc 2398, enr 2962 (Vetoed)
- HB 783** Requiring the labor commissioner to issue a decision in a wage claim hearing within 30 days of the hearing.
917, psd 1508-1509, 1514, enr 1641 (Chapter 133)
- HB 784** Re the payment of liquidated damages by an employer for failure to pay back wages.
917, SO 1509-1510, K 1645
- HB 785** Re cities, towns and precincts contracting with sanitary engineering firms.
918, LT 2183
- HB 786** Re defective equipment tags.
1404 (Died)
- HB 787** Re mental health evaluations of minors before the juvenile court.
1109, am 2313-2315, psd 2344, H nonconc, conf 2582, rep adop 2883-2884, 3094, enr 3260 (Chapter 535)
- HB 790** Re cancer drug therapy.
953, SO 1621-1623, 1715-1716, am (RC) 1840-1845, psd 1851, H conc 2289, 2398, enr 2830 (Chapter 323)
- HB 795** Permitting a county to borrow money in anticipation of federal or state aid or both.
1110, psd 1609-1610, 1639, enr 1791 (Chapter 143)
- HB 796** Establishing an approved absence program in houses of correction.
748, psd 1560-1561, 1591, enr 1790 (Vetoed)
- HB 799** Including divorce among the events that are reportable to the registrar of vital

statistics.

951, am & LT 2096, psd 2403-2404, 2494, H nonconc, conf 2839-2840, rep adop 2908-2909, enr 3250 (Chapter 536)

HB 801 Re providing certain additional documents when applying for a marriage license.

952, psd 1891-1892, 1907, enr 2830 (Chapter 277)

HB 802 Re the system of birth registration.

1109, com changed 1468, am 2008-2011, psd 2021, H conc 2289, 2398, enr 2962 (Chapter 362)

HB 803 Re insuring the proper disclosure of information from vital records.

1405, psd 2161-2162, 2280, recon notice 2400, recon & am 2404-2405, psd 2494, H nonconc, conf 2582, rep adop 2998, enr 3250 (Chapter 537)

HB 804 Conforming the N.H. clean air act to the requirements of the federal environmental protection agency.

791, LT 1688, SO 1697, 1744, (2 RC's) 1845-1848, am 1925-1926, psd 1957, H nonconc, conf 2284-2285, rep adop 2997, enr 3159 (Chapter 565)

HB 805 Providing an opportunity for absentee balloting at any election which uses an official ballot.

1402, psd 2303-2304, 2344, enr 2963 (Chapter 430)

HB 809 Re staff requirements for the bureau of certificate of title in the division of motor vehicles of the department of safety.

1408, com changed 1642, psd 2110-2111, 2156, enr 2965 (Chapter 431)

HB 811 Increasing the fees paid to county medical referees.

1405 (Died)

HB 812 Establishing an order of distribution of assets and insolvent insurers.

952, am 2221-2222, psd 2281, H nonconc, conf 2580, rep adop 2995-2997, enr 3157 (Chapter 566)

HB 814 Amending the eminent domain procedure act.

1407, am 2311-2313, 2344, H conc 2400, enr 2963 (Chapter 363)

HB 816 Re requiring a public hearing prior to reclamation of any pond by the fish and game department.

1109, K 2088

HB 817 Re privileged communications between religious leaders and penitents.

952, rcmt 1731-1734 (Died)

- HB 824** Providing for tax increment financing for redevelopment projects.
1407, psd 1778-1779, 1787, enr 2853 (Chapter 276)
- HB 825** Providing for a referendum to determine the form of city government for Dover.
1404, psd 1816, 1851, enr 2853 (Chapter 275)
- HB 826** Establishing a primary for Rochester city elections.
1401, psd 1816, 1851, enr 2080 (Chapter 206)
- HB 827** Re recounts and disqualification of candidates in primary elections.
1402, psd 2304-2305, 2344, enr 2963 (Chapter 364)
- HB 828** Creating the position of deputy commissioner of health and welfare.
1605, am 2107-2108, psd 2156, H conc 2289, 2398, enr am 2904, enr 3092 (Chapter 365)
- HB 830** Re road toll rebates.
1401, psd 1828, 1851, enr 2080 (Chapter 193)
- HB 832** Amending certain time limits under the uniform motor vehicle certificate of title law.
1409, psd 1831-1832, 1851, enr 2080 (Chapter 196)
- HB 836** Re taxation of residences in industrial or commercial zones.
1109, SO 1608-1609, psd 1645-1650, 1680, enr am 1788-1789, enr 2023, (H recalled) conc H am 3156, enr 3250 (Chapter 538)
- HB 838** Requiring the secretary of state to notify all persons of write-in nominations for the house of representatives.
New title: To assure the appearance of nominees on the ballot.
1402, am 2138-2139, psd 2156, H nonconc, conf 2869, rep adop 2988-2989, enr 3157 (Chapter 539)
- HB 839** Increasing the filing fees for certain elective offices and increasing the signature requirements for filing primary petitions.
1403, K 2295
- HB 844** Requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver.
790, psd 2072, 2083, enr am 3041-3042, enr 3240, veto sustained (RC) 3442-3443
- HB 845** Revising the access to public records law (RSA 91-A)

1401, am 2687-2692, psd 2822, H nonconc, conf 2841, rep adop 2945-2949, enr am 3164, enr 3251 (Chapter 540)

HB 846 Amending the city charter of Nashua re the election of the board of education.

1110, discharge rej (RC) 2821-2822 (Died)

HB 847 Repealing provisions re depositing wills with the register of probate.

952, psd 2005-2006, 2021, enr 2830 (Chapter 274)

HB 848 Requiring optometrists and ophthalmologists to report all discovered cases of bad vision to the bureau of blind services.

790, psd 1655-1658, 1681, enr 1791 (Vetoed)

HB 850 Requiring each school district treasurer to pay out moneys belonging to the district upon orders of the duly empowered representatives of the school board.

825, psd 1761-1762, 1787, recon & LT 2011, am (RC) 2406-2414, psd 2494, H nonconc, conf 2842, rep adop (K) 3077-3079

HB 851 Re the use of privately purchased telephones on the existing telephone system.

952, psd 1710, 1719, enr 1855 (Chapter 175)

HB 853 Re franchise disclosure law.

New title: Re the distributorship disclosure act.

1405, am 2118-2127, psd 2156, H conc 2397, enr 2853 (Chapter 307)

HB 854 Authorizing the director of the division of motor vehicles or his agents to examine vehicles in certain locations.

1409, psd 1832, 1851, enr 2080 (Chapter 191)

HB 856 Re the inspection of used motor vehicles offered for sale by retail dealers.

952, psd 1637-1638, 1640, recon notice 1641, rcmt 1680, am 1858-1860, psd 1906, H nonconc, conf 2394, rep adop 2886, 3094, enr am 3164-3165, enr 3251 (Chapter 541)

HB 857 Eliminating the need for legal seals on summonses, subpoenas, deeds and conveyances.

952, psd 2006, 2021, enr 2963 (Chapter 366)

HB 858 Correcting errors, omissions and inconsistencies in the RSA and session laws and conforming existing law to the criminal code.

1441-1442, am 2092-2093, psd 2155, H conc 2289, 2399, enr am 3242, enr 3377 (Chapter 588)

HB 859 Re prohibited collateral under the small loans law.

1110, psd 1721, 1747, enr 2023 (Chapter 223)

HB 861 Re the regulation of odometers.

1406, psd 1828, 1851, enr 2080 (Chapter 184)

HB 863 Re certified copies of certificates of registration.

1401, K 2026

HB 866 Re the board of adjustment decisions.

792 (Died)

HB 867 Requiring telephone companies to list the names of both husbands and wives in their directories.

1406, LT 1909, Study 1945-1950

HB 868 Re bilingual education.

747, psd 1534, 1541, enr 1641 (Chapter 110)

HB 869 Clarifying the priority of claims against insolvent insurance companies.

New title: Clarifying the priority of claims against insolvent insurance companies and re an assistant insurance commissioner and director of examinations.

1108, am 2219-2221, psd 2281, H nonconc, conf 2581, rep adop 2998-2999, enr 3157 (Chapter 499)

HB 870 To provide for the use of interpreters for the deaf for all administrative and judicial proceedings in which deaf persons are involved.

New title: To provide for the use of interpreters for the deaf for all administrative and judicial proceedings in which deaf persons are involved and re hearing dogs.

1517, am & Finance 2089-2092, psd 2523, 2579, H conc 2881, enr am 3040, enr 3157-3158 (Chapter 542)

HB 872 Exempting Christmas trees and related forest products from the timber tax law.

1408, IP 1779-1781

HB 874 Repealing the law that exempts the department of employment security from the right to know law.

1683 (Died)

HB 876 Re prior service credit of group I members of the retirement system.

952, am 2108-2109, psd 2156, nonconc H conf req 2581, conc H conf req 2843-2844, rep adop 2886-2887, 3094, enr am 3162-3163, enr 3251 (Chapter 543)

HB 877 Re the filling of vacancies on the Laconia school board.

1407, am & IP 2170-2174

HB 879 Prohibiting telephone companies from charging a toll for any call placed to another phone within the geographical boundaries of a town.

952, Study 1710-1715

HB 880 Re telephone calls to emergency services in towns.

953, am 1941-1943, psd 1957, recon rej 1958, H nonconc, conf 2285, rep adop 2908,

enr 3158 (Chapter 500)

HB 881 Re the recovery of local assistance.

1110, am 1689-1690, psd 1718, H conc 2289, 2399, enr am 2903, enr 3092 (Chapter 367)

HB 884 Re the payment of wages to an employee who reports to work at the request of his employer.

953, am 1866-1869, psd 1906, H nonconc, conf 2284, rep adop 2902-2903, enr 3158 (Vetoed)

HB 886 Permitting the reduction of an employer's or employee's insurance carrier's lien under the workmen's compensation law in certain cases.

1407 (Died)

HB 892 Re temporary transfer of prisoners.

1109, psd 1899, 1907, enr 2830 (Chapter 306)

HB 894 Providing opportunity in public education without discrimination.

824, am 1706-1708, psd 1718, H conc 2289, 2398, enr 2963 (Chapter 432)

HB 898 Re amending provisions of the Nashua city charter.

1404, discharge rej (RC) 2821-2822 (Died)

HB 899 Re reporting vote totals by party for nominees of more than one party.

1402, psd 2029-2030, 2082, enr 2964 (Chapter 433)

HB 900 Authorizing cities and towns to discontinue public highways subject to existing utility easements.

1408, psd 1728-1729, 1748, enr 2023 (Chapter 221)

HB 902 To specify criteria to be used by the board of taxation in reassessments of municipalities.

1408, K 2026-2027

HB 903 Permitting the legislative body of any city or town to regulate and control the timing of all types of development.

1110 (Died)

HB 905 Re the licensing of businesses in a town.

1110, rcmt 1608 (Died)

HB 906 Re the appointment and qualifications of the fish and game commission and providing for the appointment and removal of the executive director of the fish and game department.

1109 (Died)

HB 910 Re double doors.

952, psd 1683, 1717, enr 1855 (Chapter 159)

- HB 913** Re probation reports.
1406, Study 2227
- HB 914** Providing for a voter petition to amend subdivision regulations in a town.
1406, K 1970-1977
- HB 916** Permitting planning boards to require a subdivider to install prescribed traffic control devices.
1109, K 1611-1612
- HB 920** Re the state's assumption of the responsibility of water impoundment.
917, Study 2264
- HB 922** Re property tax exemptions for real estate equipped with wind-powered energy systems.
952, psd 1709, 1718, enr 2024 (Chapter 185)
- HB 926** Amending the town charter of Hanover allowing selectmen to establish one or more parking districts.
1404, am 1695-1697, psd 1718, H conc 2289, 2399, enr 2854 (Chapter 305)
- HB 928** Re veterinarian licenses.
951, psd 1658, 1681, enr 1791 (Chapter 158)
- HB 929** Giving municipalities the option to designate certain areas within their jurisdiction as critical and to permit development therein when in accordance with protective standards.
1405 (Died)
- HB 931** Re the ability of a defendant to pay a judgment.
1407, psd 2097, 2155, enr 2964 (Chapter 434)
- HB 936** Re the good samaritan law.
1110, psd 1730, 1748, enr 1908 (Chapter 148)
- HB 938** Allowing permits for child care facilities.
1110, psd 1725, 1747, enr 2080 (Chapter 190)
- HB 939** Authorizing the director of the division of motor vehicles to issue a 5 day permit for a motor vehicle, trailer, semi-trailer or tractor.
1408, psd 1828-1829, 1851, enr 2080 (Chapter 195)
- HB 941** Permitting an appeal from the granting of a license to operate a motor vehicle junk yard.
1109, K 1610-1611
- HB 943** Re the crime of exposing minors to harmful materials.
1108, Study 2239-2240

- HB 947** Re guaranty funds of building and loan associations.
1110, psd 1722, 1747, enr 2854 (Chapter 265)
- HB 950** Re defining service territories for electric utilities.
1407, psd 1909-1910, 1957, enr 2830 (Chapter 304)
- HB 951** Re the removal of absent town budget committee members.
1401, psd 1722, 1747, enr 2854 (Chapter 261)
- HB 961** Re the legitimation of children born out of wedlock.
1406, psd 1729-1730, 1748, enr 2081 (Chapter 205)
- HB 964** Re a motor vehicle franchisor's responsibilities for warranties.
1404, psd 1829, 1851, enr 2081 (Chapter 204)
- HB 968** Eliminating the 5 year requirement for reassessment of property held by a municipality for water supply or flood control purposes.
1408, psd 2179-2182, 2281, enr am 3221-3222, enr 3336 (Chapter 501)
- HB 969** Establishing a bureau of community living in the office of the director of the division of mental health.
1516-1517, psd 1725, 1747, enr 2024 (Chapter 188)
- HB 971** Removing minor officials from the biennial ballot.
1402, LT 2301-2303, am 2341-2342, psd 2344, H conc 2400, enr 2963 (Chapter 435)
- HB 975** Re mandatory installation of smoke detectors in structures for occupation built after 1978.
1401, psd 1879-1881, 1906, enr 2963 (Vetoed)
- HB 978** Requiring that any state owned property leased to private parties shall comply with local zoning ordinances.
1516, psd 2189-2192, 2281, recon rej 2282, enr 2963 (Vetoed)
- HB 979** Re lighting the state house dome from sunset to 2:00 a.m.
1516, psd 2073, 2083, enr 2853 (Vetoed)
- HB 982** Re reciprocity in dentists licenses.
1407, K 1751
- HB 986** Requiring public utilities' rates to be based on a current level of services.
1408, SO 1943-1945, IP (3 RC's) 2196-2219
- HB 993** Re the regulation of the sale of variable contracts.
New title: Re the regulation of the sale of variable contracts and permitting public employees to enter into a deferred compensation plan and authorizing the purchase of insurance and annuity contracts.
1407, LT 1734, am 2075-2078, psd 2083, H conc 2398, enr 2854 (Chapter 264)

- HB 995** Re the disposition of personalty in police department property rooms.
1406, psd 2027, 2082, enr 2964 (Chapter 368)
- HB 999** Re joint authority of public officers.
1408, K 1900
- HB 1000** Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979.
1605, LT 2495-2515, am (RC) 2564-2573, psd 2580, H nonconc, conf 2854, rep adop 3330, new conf (RC) 3336-3344, (RC) 3348-3376, 3391, rep rej (RC) 3392-3424, new conf 3436, 3438, rep adop, enr am, enr (RC) 3448-3453 (Chapter 600)
- HB 1003** Re union school district in Nashua
1108, LT 2174-2175
- HB 1004** Extending waiver time for participation in the school lunch program.
1407, psd 1762, 1787, enr 2081 (Chapter 183)
- HB 1006** Establishing Merrimack Valley college as a fourth school in the university system.
1515, LT 2074, psd 2753-2756, 2823, enr 3158 (Chapter 567)
- HB 1011** Re the approval of the Dover school district budget.
917, psd 1533-1534, 1541, enr 1641 (Chapter 127)
- HB 1015** Re the liability of veterinary board and engineers board.
1109, psd 1729, 1748, enr 2023 (Chapter 219)
- HB 1016** Establishing procedures for the periodic termination, review and renewal of state agencies and programs.
1515, LT 2195, am 2777-2787, psd 2823, H conc 2898, enr 3092 (Chapter 436)
- HB 1020** Re the development of aquaculture and permitting a special license for mariculture.
1682, K 2129-2130
- HB 1021** Requiring the filing of relinquishments with the department of health and welfare.
1109 (Died)
- HB 1024** Applying the settlement law to municipal contributions for old age assistance and aid to the permanently and totally disabled and redefining the time for loss of settlement.
New title: Applying the settlement law to municipal contributions for old age assistance and aid to the permanently and totally disabled and redefining the time for loss of settlement.
1110, am 2266-2267, psd 2281-2282, H conc 2400, enr 2963 (Chapter 369)
- HB 1026** Re lead paint poisoning in dwellings.
1406 (Died)

- HB 1027** Re funeral expenses for recipients of public assistance.
1588 (Died)
- HB 1029** Adding exceptions to the licensing of child caring and child placing agencies.
1406, psd 1726, 1748, enr 2023 (Chapter 218)
- HB 1030** Concerning neglected and delinquent children and persons in need of supervision.
1405, am 2333-2334, psd 2344, H nonconc, conf 2583, 2967, rep adop 3079-3080, 3094, enr am 3176-3177, enr 3260 (Chapter 544)
- HB 1031** To allow local units of government to enter local agreements for the performance of any legal municipal function.
1110, psd 1727-1728, 1748, enr am 1959-1960, enr 2831 (Chapter 238)
- HB 1032** Re the Saco watershed commission.
1110, psd 1881-1882, 1906, enr 2963 (Chapter 370)
- HB 1033** Re the exchange of tax information between state and federal government.
1111, psd 1781, 1787, enr 2081 (Chapter 203)
- HB 1035** Modifying the criminal classification of operating a motor vehicle under the influence of alcohol or controlled drugs.
1442, 1P (RC) 1893-1899
- HB 1038** Re providing criminal penalties for the copying of recorded devices.
1405, psd 2128-2129, 2156, enr 2964 (Chapter 371)
- HB 1044** Re the public employee labor relations law.
1405, LT 2073, am 2811-2813, psd 2824, H conc 2868, enr 3092 (Chapter 437)
- HB 1045** Re the display of wheelchair symbol to indicate buildings accessible to handicapped and elderly persons.
1407, psd 2027-2028, 2082, enr 3093 (Chapter 372)
- HB 1047** Re overtime pay for employees of nursing homes.
1441, psd 1725-1726, 1748, enr 2023 (Chapter 234)
- HB 1048** Re the workmen's compensation law.
1589 (Died)
- HB 1050** Establishing a committee to study legislation affecting municipalities.
1111, K 1028
- HB 1054** Re the distribution of legislative budget post-audit reports.
952, psd 1722-1723, 1747, enr 2023 (Chapter 217)
- HB 1055** Prohibiting the Rockingham county attorney from engaging in the private

practice of law.

1401, am 1924, psd 1957, H conc 2289, 2398, enr 2854 (Chapter 256)

HB 1056 Re home rule.

1405 (Died)

HB 1057 Re tax abatement on municipal airport property in Manchester and Londonderry.

1401, psd 1829, 1851, enr 2081 (Chapter 202)

HB 1060 Legalizing certain action taken by the town meeting in the town of Durham.

New title: Legalizing certain action taken by the town meeting in the town of Durham and certain action taken by the school district meeting in the city of Lebanon.

1408, psd 1685, 1718, recon notice 1719, am 1744-1745, psd 1748, H conc 2881, enr 3092 (Chapter 438)

HB 1063 Re appropriations of governmental units by warrant articles.

1406, K 2681-2684

HB 1064 Re listing all exemptions on the annual inventory form.

1404, psd 1781, 1787, enr am 3170-3171, enr 3251 (Chapter 502)

HB 1067 Establishing a voluntary arbitration system for handling settlement disputes in welfare cases.

1405, psd 2073, 2083, enr 2964 (Chapter 373)

HB 1069 Re municipalities employing prosecutors for district or municipal courts.

1405, psd 2097, 2155, enr 2964 (Chapter 374)

HB 1073 Re the powers and findings of the zoning board of adjustment and rehearing before said board.

1405, Study 2185-2186

HB 1074 Requiring planning board findings, conclusions and decisions to be prepared in written form.

1109 (Died)

HB 1076 Providing for exemption of machinery and equipment from the property tax.

1405 (Died)

HB 1078 Re the establishment of a permanent subcommittee on architectural barrier free design on the governor's committee on employment of the handicapped.

New title: Re the establishment of a permanent subcommittee on architectural barrier free design of the governor's committee on employment of the handicapped.

1109, am 1864-1866, psd 1906, H conc 2398, enr 2854 (Chapter 269)

HB 1083 Re time-of-day electric utility rates.

1441, SO 1910-1913, am 2132-2134, psd 2156, recon notice 2157, recon & am 2739-2742, psd 2823, H nonconc, conf 2840, rep adop 2938-2940, enr 3158, veto sus-

- tained (RC) 3442
- HB 1084** Regulating motor vehicle and motorcycle sound emission levels.
1407, LT 1882-1883, IP 2773-2775
- HB 1086** Changing the name of the N.H. Home for the elderly to the Glencliff home for the elderly; and transferring the Glencliff home for the elderly from the division of public health to the division of mental health.
New title: Changing the name of the N.H. home for the elderly to the Glencliff home for the elderly; and transferring the Glencliff home for the elderly from the division of public health to the division of mental health and re tax exemption for Salemhaven, Inc., a community nursing home project for the needy and certain other non-profit organizations.
1683, am & LT 2192-2195, am 2291-2293, psd 2343, H nonconc, conf 2593, rep adop 2968-2969, enr 3158 (Chapter 568)
- HB 1087** To extend the voluntary commitment of certain patients at New Hampshire hospital.
1401, psd 2097-2098, 2155, enr 2830 (Chapter 253)
- HB 1090** Re filing for an office when at the time of such filing a person is not of the age to qualify for that office.
1403, LT (RC) 2062-2064, 2155
- HB 1091** Re overseas citizens voting rights.
1403, psd 2058-2059, 2082, enr am 3224, enr 3336 (Chapter 503)
- HB 1094** Re the operation of state weigh stations.
1404 (Died)
- HB 1095** Re certificates for common carriers.
1404 (Died)
- HB 1096** Establishing and funding a highway transportation fund to aid the elderly and handicapped.
1605, Study 2103-2104, recon, S Ct opin req 2593-2594, (SR 9) 2879-2880
- HB 1097** Permitting the use of certain radio-type equipment while operating a motor vehicle upon a public way.
1404, psd 2276-2277, 2282, enr 2963 (Chapter 375)
- HB 1103** Re population calculation for rooms and meals tax purposes.
1478, LT 1934
- HB 1104** Changing the penalty for failure to file user of fuel reports with the road toll section.
1478, psd 1781-1782, 1787, enr 2081, recalled & LT 2738-2739, psd 2776-2777, 2823, recalled, am & psd 2855-2857, H conc 2881, enr 3092 (Chapter 376)

- HB 1113** Permitting the withdrawal of a pre-existing district from a cooperative school district.
952, am 2164-2166, psd 2281, H conc 2400, enr 2964 (Chapter 439)
- HB 1115** Concerning AREA schools incurring indebtedness.
952, Study 2074
- HB 1117** Providing for the local regulation of excavations.
1405, am 2087-2088, psd 2155, H conc 2397, enr 2853 (Vetoed)
- HB 1119** Re strip development along highways.
1109, Study 2277-2279
- HB 1121** Re public ethics and making an appropriation therefor.
1682 (Died)
- HB 1124** Re replacing the governor's committee on employment of the handicapped with the governor's commission for the handicapped.
1515, psd 2188-2189, 2281, conc H am 3091, enr 3093, 3260 (Chapter 545)
- HB 1126** Re the N.H. retirement system and the state employee's retirement system of N.H.
1605, am 2449-2453, psd 2494, H conc 2898, enr am 3163-3164, enr 3251 (Chapter 546)
- HB 1127** Re terms of certain gubernatorial appointees.
1408 (Died)
- HB 1128** Re child support enforcement.
New title: Re the support of dependent children.
1516, am 2706-2724, psd 2822, H nonconc, conf 2841, 2967, rep adop 3080, 3094, enr am 3247-3248, enr 3377 (Chapter 589)
- HB 1130** Re the dispensation of controlled drugs.
1406, am 2327-2328, psd 2344, H conc 2400, enr am 3040-3041, enr 3158 (Chapter 547)
- HB 1134** Making the person chargeable by law for a child's support and necessities primarily liable for the expenses of a neglected or delinquent child or person in need of supervision.
1407, LT 2098, am 2789-2796, psd 2823, H conc 2868, enr am 3258-3259, enr 3377-3378 (Chapter 590)
- HB 1137** Re capital punishment.
1406, psd (RC) 2700-2705, 2822, enr 3092 (Chapter 440)
- HB 1139** Re the judicial budget procedure.
1408, K (RC) 1616-1621

- HB 1141** Establishing a New Hampshire right to privacy act.
1407, am 2317-2327, psd 2344, H conc 2400, enr am 3248, enr 3378 (Chapter 594)
- HB 1143** Re unemployment compensation (RSA 282).
1682, am 2222-2227, psd 2281, H conc 2400, enr 2964 (Chapter 441)
- HB 1144** Re the establishment of workmen's compensation self-insurance programs.
1405, am 1813-1814, psd 1851, H nonconc, conf 2584, rep adop 3088-3090, 3094, enr 3158 (Chapter 548)
- HB 1148** Re state public assistance programs.
1516, psd 1723, 1747, enr 2023 (Chapter 207)
- HB 1149** Re the preparation of a town budget under the municipal budget act and budgets for counties, school districts and village districts.
1408, psd 1969, 2021, enr am 2846-2847, enr 3092 (Chapter 377)
- HB 1153** Re reporting audit findings in summary form.
1401, psd 1969-1970, 2021, enr 2831 (Chapter 285)
- HB 1155** Re the conveyance of property acquired by a town or city at a tax sale.
1401, LT 2183-2185, am 2787-2789, psd 2823, H nonconc, conf 2839, rep adop 3080-3081, 3094, enr 3240 (Chapter 549)
- HB 1156** Re the property tax lien for the elderly and disabled.
1109, am 1816-1817, psd 1851, conf req rej 2285, recon, conc H req, conf 2516, H conc 2846, enr am 3248-3249, enr 3378 (Chapter 591)
- HB 1158** Re the definition of class VI highway and the status of existing class VI highways.
1405, Study (RC) 2727-2734
- HB 1159** Authorizing towns by local referendum to acquire and dispose of industrial facilities.
1405, psd 1727, 1748, enr 2831 (Chapter 270)
- HB 1163** Legalizing the 1977 annual town meeting of the town of Exeter.
1408, psd 1687, 1718, enr 2023 (Chapter 216)
- HB 1166** Re establishment of contractor's bid depository system by the commissioner of public works and highways.
1404, K 2275-2276
- HB 1172** Re the filing dates for candidates in the primary for any elective office.
1402, LT 2035-2037, psd 2041-2043, 2082, enr am 3037-3038, enr 3240 (Chapter 569)
- HB 1173** Re cemeteries.
1408, psd 1979-1980, 2021, enr 2831 (Chapter 324)

- HB 1178** Establishing the offense of using excessive fuel and specifying the effects of a conviction for using excessive fuel.
1404, K 1908-1909
- HB 1181** Re prorating motor vehicle permit fees.
1401, am 2110, psd 2156, H nonconc, conf 2394, new conf 2902 (Died)
- HB 1184** Re a temporary absence from residence and its effect on voting rights.
1402, LT 2050-2058, am 2813-2814, psd 2824, H nonconc, conf 2869-2870, rep adop
- HB 1185** Concerning purity of elections.
New title: Concerning purity of elections and a voter registration form.
1402, am 2334-2337, psd 2344, H conc 2859, 2868, enr 3158 (Chapter 505)
- HB 1186** Re legal voters.
1402, LT 2044-2050, am 2814-2817, psd 2824, H nonconc, conf 2870, rep adop 2992-2993, enr 3158 (Chapter 506)
- HB 1187** Increasing the jurisdiction of the ballot law commission.
1403, psd 2034-2035, 2082, enr 2964 (Chapter 442)
- HB 1188** Concerning membership of the ballot-law commission.
1403, am 2142-2144, psd 2156, H nonconc, conf 2870, rep adop 3087-3088, 3094, enr 3158 (Chapter 507)
- HB 1189** Concerning the reporting of political expenditures, advertising and contributions by certain committees and certain candidates.
1402, psd 2059-2061, 2082, enr 2964 (Chapter 443)
- HB 1191** Making appropriations for capital improvements.
1717, am (RC) 2602-2659, recon & am 2762-2764, psd 2822, H nonconc, conf 2882, rep adop 3182-3208, enr am & enr 3438-3439 (Vetoed)
- HB 1193** Reinstating save the Mill Society as a voluntary corporation.
New title: Reinstating Save the Mill Society and Tri-State Collectors' Exhibition as voluntary corporations.
2101, am 2340-2341, psd 2344, H conc 2400, enr 2964 (Chapter 378)

HB 1194 Concerning collecting sewer charges in municipalities with over 80,000 population.

2821, psd 2890-2891, enr am 3039-3040, enr 3240 (Chapter 570)

HB 1200 Authorizing certain stores to sell table wine, establishing a tax on carbonated beverages and re the operation of state liquor stores on Sundays and making an appropriation therefor.

Not allowed on 1st and 2nd reading (RC) 2916-2936

HB 1202 Making an appropriation for payments to National Guardsmen.

intro & psd 2844-2845, enr 2862 (Chapter 250)

HB 1203 Establishing a tax on carbonated beverages.

3035, am & IP (2 RC's) 3097-3132

HB 1205 Imposing a tax on capital gains.

intro, am, LT (8 RC's) 3297-3330, am & psd (RC) 3330-3334 (K)

HB 1206 Re the reorganization of the N.H. transportation authority and prohibiting the removal of railroad track related structures.

intro & psd 3436-3438, enr 3439 (Chapter 598)

HB 1207 To create and provide police powers for the security forces at certain state institutions.

intro & psd 3436-3438, enr 3439 (Chapter 599)

HB 1209 Re the 1977 distribution of the rooms and meals tax.

intro, psd, & enr 3444-3447 (Chapter 604)

HB 1210 Making a supplemental appropriation for the N.H. state prison.

intro, psd, & enr 3444-3447 (Chapter 602)

HB 1211 Re the time for business profits tax returns.

intro, psd, & enr 3445-3447 (Chapter 605)

HB 1213 Authorizing the Waterville Estates village district to issue notes, and legalizing town meetings in Wolfeboro and Canterbury.

intro, psd, & enr 3445-3447 (Chapter 603)

- HB 1214** Re the purchase of motor vehicles and equipment by certain state agencies and making an appropriation therefor.
intro, psd, & enr 3445-3447 (Chapter 606)

HOUSE JOINT RESOLUTIONS

- HJR 4** For the purpose of requesting appropriate action by the Congress, acting by consent of $\frac{2}{3}$ of both Houses to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.
1441, psd 1698-1701, 1718, enr 2081 (Chapter 230)

- HJR 7** Re state agency expenditures for fiscal year 1978.
1945, psd 1955-1956, 1957, enr 2080 (Chapter 179)

HOUSE CONCURRENT RESOLUTIONS

- HCR 2** Re the department of the army corps of engineers assuming jurisdiction over dredge and fill control in waterways and contiguous wetlands of the state.
650, adop 1879
- HCR 3** Inviting Chief Justice Kenison to address a joint convention on the state judiciary.
intro & adop 154
- HCR 4** Memorializing the governor and council to reappoint Major W. Wheelock as superintendent of the New Hampshire Hospital.
407 (Died)
- HCR 5** Establishing a legislative committee to plan for a re-enactment of the Battle of Bennington.
255, adop 564-565, Senate members appointed 2862
- HCR 7** Adopting joint rules for the 1977 general court.
intro & adop (RC) 1252
- HCR 8** Establishing a special joint committee to review the factfinder's report submitted to the legislature in regard to contract negotiations between the State of New Hampshire and the State Employees Association.
1749-1750, am 1805-1808, H nonconc, conf 1850 (Died)

CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

- CACR 5** Re granting of pensions by the legislature.
109, am 757-761, psd 785, H conc 1605-1606
- CACR 6** Re meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 90 legislative days during the biennium.
309, LT (RC) 1926-1933, psd 3345, enr 3378
- CACR 8** Re the trial of crimes. Providing that district courts may try crimes in a county other than the county in which the crime is committed. (Jacobson)
31, LT 74, am 170-171, psd 183 (H K)

CACR 13 Re legislative districts. Providing that a town, ward, or place may be referendum request that the legislature divide it into two or more representative districts (Keeney)

New title: Re legislative districts. Providing that a town, ward, or place may by referendum request that the legislature divide it into two or more representative or senatorial districts.

432, com changed 465, am 1121-1125, psd 1451, nonconc H am, conf 1945, 2396, rep adop 2906-2907, recon, rep adop 2993-2994, enr 3240

CACR 16 Re the date the secretary of state shall lay the votes for governor before the senate and house of representatives. Providing that the secretary of state shall do so the first Wednesday following the first Tuesday in January.

1907, psd 2264-2265, 2824, enr 3157

CACR 23 Re a citizens' referendum on any general sales or income tax. Providing that sales and income taxes may not take effect until after approval by $\frac{2}{3}$ of the qualified voters of the state present and voting on the subject. (Monier et al)

New title: Re a citizens' referendum on any general sales or income tax. Providing that sales and income taxes may not take effect until after approval by a majority of the qualified voters of the state present and voting on the subject.

789, am & LT 1168-1172, psd (RC) 1450, (RC) 1451-1452, H nonconc 1853

CACR 24 Re a lieutenant governor. Providing that a lieutenant governor be elected at the same time, with the same qualifications, though not necessarily of the same political party as the governor; he shall be presiding officer of the senate and shall perform such duties as the governor may direct. (Bossie et al)

789, IP 965-972

CACR 25 Re the executive council. Providing that the executive council be abolished and its powers to confirm various appointments be vested in the senate. (Bossie et al)

883, LT (RC) 1297-1304, psd (RC) 1471-1474, 1476, H nonconc 1853

CACR 26 Re county officers. Providing that the office of county treasurer, county attorney and sheriff be abolished. (Jacobson)

883, Study 1304-1308

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